

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27299 of 2020**

Arising Out of PS. Case No.-365 Year-2019 Thana- BARAULI District- Gopalganj

JHUNNU GIRI @ VIJAY KUMAR GIRI Son of Jitendra Giri Resident of
Village - Bara Barheya, P.S. - Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Ms.Meena Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-10-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Meena Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Barauli P.S. Case No.365/2019
registered for the offence under Sections 366(A)/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
victim girl was studying in Class-X and it is her statement
before the learned Magistrate that her marriage was initially
fixed by her family with this petitioner but after some time they
refused to marry her with the petitioner and threatened her



whereupon she herself left her house and went to Hyderabad and solemnized marriage with the petitioner. She was living in her sasural and before the learned Magistrate she expressed her desire to go to her sasural.

Learned counsel for the petitioner has further submitted that now the parents of both the parties have recognized the marriage and in this connection the document executed by the parties on 02.06.2020 has been brought on record. The same has been certified by the Assistant Superintendent, Divisional Jail, Gopalganj.

Learned APP for the State has though initially opposed the prayer for regular bail of the petitioner saying that the victim girl seems to be minor but in the totality of the facts and circumstances of the case where it has been found that the victim girl has not supported the prosecution case and she has married with the petitioner and now even the family members have given consent for the same and there is no allegation that the petitioner had made any physical relationship with the victim girl, it has been submitted that these facts may be taken into consideration.

Having regard to the facts and circumstances of the case in the totality of the facts and circumstances where the



victim girl has stated that she had gone on her own and there is no allegation by her that this petitioner had made any physical relationship with her and now that the family of both the parties have agreed for the marriage, let the petitioner abovenamed, who is in jail since 16.03.2020 without there being any criminal antecedent, be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Gopalganj in connection with Barauli P.S. Case No.365/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

