

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68584 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BHAGWANPUR District- Begusarai

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SUMIT KUMAR @ SUMIT KUMAR MAHTON Son of Bhushan Mahto
Resident of Village-Godhna, Ward No.9, P.S.-Bachhwara, District-Begusarai.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate.
For the State : Dr. (Mrs.) Indihar Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 18-02-2020 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bhagwanpur
P.S. Case No.46 of 2019 registered under Section 366(A) of the
Indian Penal Code.

The accusation is that the victim, the daughter of the
informant, had gone the house of her neighbour on call but she did
not return. In course of her search, the informant came to know that
Alok Kumar has enticed away his daughter for the purpose of
marriage.

Learned counsel appearing on behalf of the petitioner
submits that the statement of the victim was recorded under Section
161 of the Code of Criminal Procedure by the police, as detailed in
paragraph-39 of the case diary, in which she has stated about her



moving with one Rupak Kumar and performing her marriage with him. Later on, due to pressure of her family, the victim in her statement, as recorded under Section 164 of the Code of Criminal Procedure, has stated about her kidnapping by Rupak Paswan, Kamal Paswan and Sumit (petitioner) and committing rape on her and also giving pressure by Rupak Paswan to perform the marriage with him. Further submission is that it has come in the statement of the informant and his wife, as detailed in paragraph-16 of the case diary, that the victim talked to the informant and informed him about performing the marriage by her with Rupak Kumar. Further submission is that the petitioner is in custody since 21.05.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Bhagwanpur P.S. Case No.46 of 2019.

(Rajendra Kumar Mishra, J)

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