

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83028 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- MADHEPUR District- Madhubani

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UMESH SHARMA Son of Late Ravindra Nath Sharam @ Ravindra Nath
Shil Resident of Village- Kali Flower Mill, Shakti Nagar, Purnea, P.S.-
Maranga, Distt- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-01-2020 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner, who is in custody, seeks bail in a case
registered under Sections 363 and 365 of the Indian Penal
Code in connection with Madhepur PS Case No. 75 of 2019

The petitioner is accused in the instant FIR lodged by
father of the girl alleging that she did not return from the school
on 27.5.2019. Suspicion has been cast that the person with whom
she was on talking terms on mobile phone may have taken the
daughter away.

Referring to the deposition of the victim girl
(Annexure 2) recorded under Section 164 Cr.P.C. it is submitted
that the court has assessed the age of the victim to be 17 years



and the Medical Board has assessed her age between 17 – 18 years old. The victim's deposition is that in fact she had called the petitioner and gone with him to Madhepura where they have solemnised court marriage. The deposition of the victim girl belies the prosecution story. The petitioner has also no criminal antecedent and is in custody since 24.6.2019.

Learned APP has opposed the prayer.

Considering the aforesaid submissions prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Jhanjharpur in Madhepur PS Case No. 75 of 2019 subject to the conditions:-
(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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