

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38507 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- GHOGHARDIHA District- Madhubani

Md. Sabbir Mansuri Son of Late Md. Bachi Mansuri Resident of Village -
Bistall Nawani, P.S.- Arriya Sangram, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-08-2021 The matter is placed through video conferencing.

The petitioner has again renewed his prayer for grant of bail in Ghoghardiha P.S. Case No. 12 of 2020 registered for the offence under Section 363, 366 & 34 of the Indian Penal Code.

Earlier, the bail petition of petitioner was allowed, vide order dated 21.09.2020 passed in Cr.Misc. No. 24176 of 2020 (Annexure – 1), considering the fact that petitioner has already married with the victim girl and both are leading conjugal life happily with following condition:

***“...one of the bailor would be wife
(victim/grand daughter of the informant) of the
petitioner.”***

Subsequently, vide Cr.Misc. No. 2723 of 2021, a modification petition was filed on behalf of the petitioner, which



was rejected by this Court, vide order dated 10.02.2021.

It is submitted on behalf of the petitioner that though, petitioner had solemnized marriage with the victim girl with her consent, but the same was not acceptable to the father of the victim girl, as a result of which, the father of the victim girl had taken her (victim) to Jammu & Kashmir. It is further submitted that even on merit, the petitioner has got good case inasmuch as the victim girl has not alleged any wrong against this petitioner in her statement recorded under Section 164 Cr.P.C. (Annexure-3). Petitioner has got clean antecedent and he is in custody since 02.02.2020. Chargesheet has already been submitted.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that there is specific allegation against this petitioner of kidnapping the victim girl. The victim girl has supported the prosecution case in her statement recorded under Section 164 Cr.P.C. and the learned Magistrate has assessed the age of the victim girl about 14 years.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court



on its own satisfaction and on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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