

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31193 of 2020

Arising Out of PS. Case No.-137 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

CHATISH MANJHI Son of Jagdeesh Manjhi Resident of Village- Bariarpur,
Musahari, P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate.

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-01-2021 Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 363 and 366(A)/34 of the Indian Penal Code.

The minor daughter of the informant allegedly left the house in the night along with cash and ornament and allegation is that the petitioner had induced her to go with him on the pretext of marriage. In her statement under Section 164 Cr.P.C., the victim disclosed her age as 19 years and alleged that the petitioner had taken her forcefully to Farukhabad in U.P. where his parents were also there. Both were living as husband and wife, though marriage was not solemnized.

Learned counsel for the petitioner submits that the statement of the victim under Section 164 Cr.P.C. was recorded



after the victim was handed over to her parents and she made statement under pressure of her parents. According to date of birth mentioned in the Aadhar Card, she was above 18 years on the alleged date of occurrence. The victim did not make any protest at any point of time when she was being carried by the petitioner to different places. Hence it is evident that she is a consenting party.

Learned counsel for the informant opposed the prayer for bail on the basis of allegation levelled by the victim in her statement recorded under Section 164 Cr.P.C. or before the police.

Considering the aforesaid doubtful circumstances, there is no need for further detention of the petitioner as under trial prisoner on completion of investigation. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Piri Bazar P.S. Case No. of 137 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial



of the case, failing which the court below shall be at liberty to
cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

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