

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2517 of 2021**

Arising Out of PS. Case No.-202 Year-2020 Thana- KARAHGAR District- Rohtas

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Anup Kumar, aged about 21 years, Male Son of Suman Ram, Resident of Village - Lalapur, PS - Kudra, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate
For the State : Mr. Anand Mohan Prasad Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 13-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Yogendra Kumar, learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Kargahar PS Case No. 202 of 2020 dated 07.08.2020, instituted under Section 366(A) of the Indian Penal Code.

4. The allegation against the petitioner is of enticing her 16 years old daughter.

5. Learned counsel for the petitioner submitted that the allegation is false as the girl had voluntarily left her home due to maltreatment and had married the petitioner in a temple



and they were living as husband and wife at Ranchi and when she came to know of this case, she had come to Kudra and got her statement recorded before the Court below under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') in which she has stated that due to torture and physical abuse by her brother, she had left her home and had performed marriage with the petitioner and was happy with her in-laws and wanted to live there. It was pointed out that the girl had requested for medical examination in which a four-member Board has opined that she was aged between 18-20 years. Learned counsel submitted that the petitioner having married the girl stands committed to keep her with him with full dignity, honour and security and that she would be fully accepted and given her place in the matrimonial home. Learned counsel submitted that in terms of order dated 30.07.2021, he has filed supplementary affidavit in which the entire statement recorded by the girl under Section 164 of the Code has been brought on record. It was further submitted that the following stand has been taken at paragraph no. 11:

“11. That the petitioner again assert here that he alongwith his entire family member would accept the alleged victim as legally wedded wife of the petitioner and also behave with her as per dignity of the prudent society.”



6. Learned APP submitted that in view of the statement of the girl herself, it appears that the parties have married without any pressure.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, taking note of the fact that the girl has been assessed to be aged between 18-20 years by the Medical Board and also that she has stated before the Court under Section 164 of the Code that due to torture and physical abuse by her brother she had left the home and performed marriage with the petitioner and was happy with her in-laws and wanted to live there and the petitioner and his family members undertaking to give her due respect and place as the wife of the petitioner, the Court is inclined to allow the prayer for pre-arrest bail.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sasaram, Rohtas in Kargahar PS Case No. 202 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of



the petitioner and (ii) that the petitioner shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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