

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9351 of 2022

Arising Out of PS. Case No.-532 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Jitendra Kumar @ Jitendra Kumar Ram, Son of Buddu Ram, R/O Village-
Ward No.1, Simalbari, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simpi Kumari, D/O- Triloki Sahni, R/O Village- Sindhiya Ward No.8, P.S.-
K.Nagr Champanagar O.P., District- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with K. Hat (Sahayak) P.S. Case No. 532 of 2021 registered for the alleged offences under Section 363, 366 (A)/34 of the Indian Penal Code.

As per the prosecution case, the informant named the petitioner and other co-accused persons for kidnapping his minor daughter. The informant also stated about kidnapping of



same minor daughter by this petitioner earlier for which K. Nagar Champanagar P.S. Case No. 179 of 2021 was registered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated by the informant. When in the case filed earlier by the informant, the statement of the victim girl was recorded wherein she absolved the petitioner saying that she herself went away to the house of her aunt (*Phua*), then out of frustration, the informant lodged this second case. In this case also, the victim girl appeared before the learned Magistrate and her statement under Section 164 Cr.P.C. was recorded in which she clearly stated that she has solemnized marriage with the petitioner six months prior to the date of recording of her statement and she was brought from the house of her husband. She also stated that her father has threatened her to leave her husband otherwise he would kill both of them. Thus, it is apparent from the two statements recorded by the victim girl that the petitioner is not at all involved in taking away of the daughter of the informant, who left his house out of her own will and solemnized marriage with this petitioner. She is a major girl and even if her minority be taken into account, as alleged by the informant, it would only a case of marriage with the minor girl and not a case under Sections 363



and 366 A of the Indian Penal Code. The charge sheet has been submitted in this case and the petitioner is in custody since 27.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons kidnapped the minor daughter of the informant.

Having regard to the submissions made hereinabove and considering the fact that the victim girl is aged about 17 years, the age when one develops sufficient maturity and she recorded her statement before the learned Magistrate wherein she clearly stated about leaving the house of the father and solemnizing marriage with this petitioner and further considering the fact that charge sheet has been submitted in this case and the petitioner is in custody since 27.10.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 532 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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