

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18407 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

Jitendra Kumar @Jitendra Mahto Son of Bharat Mandal R/o village - Devta,
P.S.- Chanan, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 493, 376, 120(B), 506 of the
Indian Penal Code.

According to prosecution case, as per written report of
informant Nilu Kumari aged about 19 years daughter of
Upendra Mahto alleging therein that the villagers Sushma
Kumari, Geeta Devi and Awadhesh Kumar used her for
marriage with the accused/petitioner Jitendra Kumar, and when
co-accused Sushma used to go to the market, she used to take



the informant to accused/petitioner Jitendra Kumar and on the pretext of marriage, accused/petitioner committed sexual intercourse with the informant several times at the house of co-accused Sushma Devi. The accused/petitioner made physical relation so many times with the victim/informant at the house of the co-accused Sushma Devi, due to which the victim/informant became pregnant and is at the advance stage of pregnancy, when the informant as well as her parents put pressure for the marriage, the co-accused Vikas Kumar threatened to kill the informant and her family members.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact all the occurrence alleged in the F.I.R. has been taken place with the consent of the informant. He further submits that petitioner is ready to perform the marriage with the victim girl and for this purpose the petitioner has also filed joint compromise petition before the learned S.D.J.M. Sheikhpura on 24.01.2022. The petitioner is in custody since 05.01.2022.

The learned Additional Public Prosecutor for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner but fairly submits



that the victim is also ready to perform the marriage with the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released, **on provisional bail for a period of 60 days**, on furnishing bail bond of Rs. 10,000/- (Ten 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 Sheikhpura Mahila P.S. Case No. 55 of 2021, subject to the following conditions:-

1. The petitioner along with victim/informant shall apply for the Court Marriage before the Registrar of Marriage of the concerned District for marriage in accordance with law, and the concerned Registrar of Marriage shall disposed off the same in according with law within stipulated period.

2. The petitioner after obtaining the Marriage Certificate from the Registrar of Marriage, the petitioner will furnished the same before the court below within a period of 60 days from the date of provisionally release.

3. The learned court below shall confirm the provisional bail of the petitioner after verifying the Marriage Certificate of the petitioner with the victim/informant.

4. One of the bailor should be victim/informant.



5. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

6. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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