

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32501 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- DUMRA District- Sitamarhi

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Nitish Kumar @ Nitesh Kumar @ Videshiya S/O Late Sonfi Mandal @ Sonfi
Rai R/O Village- Methaura, Ward No. 06, P.S.- Dumra, District- Sitamarhi-
843302

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

The petitioner, who is in custody since 24.02.2022,

seeks regular bail in connection with Dumra P.S. Case No. 82 of

2022, for the offence punishable under Section 363, 366A/34 of

the Indian Penal Code.

The allegation against the petitioner is that he enticed

away the minor daughter of the informant and thereafter he

performed marriage with her.

Learned counsel appearing on behalf of the petitioner

submitted that the victim girl is aged about 16 years and without

any coercion she had left her parental home and she married

with the petitioner. The victim girl has not made any allegation

of physical or sexual assault.



Taking into consideration the nature of allegation made against the petitioner, without going into the merits of the case, the learned court below is directed to summon the victim and her parents as well as the parents of the petitioner and if the victim girl is ready and adamant that she will remain along with the petitioner who is just about 20 years of age and has just emerged as an adult and no objection is made by the parents of both the parties. If the court below finds it proper in the facts and circumstances of the case, the petitioner who is aged about 20 years and he was in love relationship with victim has already entered into matrimonial knot. The court below is directed to release the petitioner on bail, if it is found that the victim who is minor has not made any allegation of kidnapping and has on her free will entered into matrimonial relationship. However, the court below must be conscious of the fact that if the evidence shows that the girl has not attained majority and marriage is voidable, the custody of the victim girl must be decided as per the wish and desire of the victim, in accordance with law without being prejudiced by his earlier order dated 26.04.2022.

If the court below is, prima facie, satisfied to release the petitioner on bail, the petitioner above named be released on bail on such terms and conditions as the court below may deem



fit and proper.

Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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