

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34600 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- BELHAR District- Banka

Purushottam Kumar Son Of Dinanath Mandal R/O- Ghanua, P.O.- Kheshar,
P.S.- Kheshar, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 366A, 34 of the
Indian Penal Code, in connection with Belhar (Kheshar) P.S.
Case No. 284 of 2021.

The FIR unfolds as follows:-

The informant has alleged that his daughter Nansi
Kumari was found missing from the house when he wake up in
the night. Later, it transpires that the petitioner herein took her
away for the purpose of marriage.

Accordingly, he tried to hold a 'Panchayati' but the
matter could not be materialized and the FIR was lodged.



Learned counsel for the petitioner submits that the matter is of 12.8.2021 where as the FIR was lodged on 21.8.2021 and there is nothing on record to show the delay. As a matter of fact, it was consented marriage between the petitioner and the victim girl which has been given a colour by lodging his FIR. He has attributed this Court to the deposition made by the victim girl under section 164 of the Cr.P.C. in which she has stated that she left home on her own and married the petitioner herein. So far as the age of the victim girl is concerned, learned counsel for the petitioner submits that as per the medical report which has come in the order of learned Sessions Judge, the victim girl has been found to be around 17 years. It is his last submission that the couple has now been blessed with a male child (as stated in para-12 of the bail application).

Considering all the aforesaid facts including the statement made by the victim girl under section 164 of the Cr.P.C. as also that she has been opined to be 17 years of age and the couple is blessed with a child, this Court is inclined to grant him the privilege of bail. However, if any statement is found to be false as stated in the bail application, this bail order shall be infructuous.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Belhar (Kheshar) P.S. Case No. 284 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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