

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46433 of 2021

Arising Out of PS. Case No.-299 Year-2021 Thana- HISUWA District- Nawada

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UMESH KUMAR S/o KARKU MANJHI @ SARWAN MANJHI R/o
VILLAGE-TAROUNI BAGODAR, P.S-HISUA, DISTRICT-NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Hisua P.S.
Case No. 299 of 2021, instituted for the offences under Sections
363 and 366(A) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 10.06.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner submits that
allegation in the FIR is that informant alleges that his minor
daughter aged about 14 years was kidnapped by the petitioner
for marriage.

The learned counsel submits that the statement of the



victim was recorded under Section 164 Cr.PC wherein she has stated that she was known to the petitioner for the last one year and on 06.06.2021, the petitioner asked the victim to accompany him and took her to Dhaniya mountain where he married her but did not commit any illegal act. Further, that had the victim known that he will marry her, she would not have accompanied the petitioner on his asking.

The learned counsel for the petitioner submits that from perusal of the statement made under Section 164 Cr.P.C. it is clear that the victim has not alleged that the petitioner committed any illegal act with her. Further, it is submitted that petitioner and the victim were in love and hence on asking by the victim, the petitioner went with her to Dhainiya mountain and in the temple, they married and after she returned on parental pressure, she made the statement that had she known the petitioner would marry her, she would not have accompanied.

Learned A.P.P. opposes the bail application and submits that admittedly the petitioner is a minor and as such her consent is of no consequence even if she was in love with this petitioner. The learned counsel submits that the age of the petitioner has not been assessed nor during the course of



investigation it has come that the petitioner based on some document is a minor.

Considering the fact that the petitioner is in custody since 10.06.2021, he is a person with clean antecedent and charge-sheet has been submitted in this case and the victim has not alleged that petitioner committed any wrong with her, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Hisua P.S. Case No. 299 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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