

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45511 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- GURUA District- Gaya

=====

Anuj Kumar, Son of Dinesh Kumar @ Dinesh Saw, Resident of Village-
Duba, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocated

For the Opposite Party/s : Mr. Narsingh Tanti, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-09-2022 A Supplementary affidavit has been filed on behalf of the petitioner stating therein that wife of the petitioner is critically ill and during the pendency of present application a baby was born after surgery, however, the baby did not survive and died on 17.08.2022 and, as such, on the urgent motion made by the learned counsel for the petitioner, today the matter is taken up on priority basis.

Learned counsel further submits that certain typographical error has also occurred at page nos.1 and 2 of the bail application and he seeks permission to make necessary correction.

Permission is accorded.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



Heard Mr. Vikas Kumar Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gurua P.S. Case No. 219 of 2021 registered for the offences punishable under Section 366(A) of the Indian Penal Code.

As per prosecution case, it is alleged that on 20.09.2021, the daughter of the informant went to her school, but she did not return. During the course of search, the informant came to know that the petitioner took away her daughter for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner submits that during the course of investigation, the victim girl appeared before the police and later on her statement has been recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she has voluntarily left her house and solemnized marriage with the petitioner and she is happily living with him. It is next submitted that the age of the victim girl was assessed by the Medical Board and her age has been opined to 19–20 years and during the course of Medical examination, the victim was found having pregnancy of 5-6 months. It is next submitted that in fact the victim is major one



and with the consent of both the parties, the marriage has been solemnized and both the parties have also filed a compromise petition in this regard. It is next submitted that after investigation, charge-sheet has been submitted and so far the petitioner is concerned, he is in custody since 07.05.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and drawn the attention of this Court towards the impugned order, wherein the date of birth of the victim has been shown as 01.01.2006, as per the School Leaving Certificate and on the date of occurrence she was aged about fifteen years and eight months.

Having regard to the submissions made on behalf of the parties and considering the statements of the victim and her age determined by the Medical Board, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 219 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

