

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19359 of 2023

Arising Out of PS. Case No.-430 Year-2022 Thana- RANIGANJ District- Araria

Ram Babu Yadav Son Of Late Tapi Yadav Resident Of Village - Parsautin,
Ward No. 4, P.O. - Manihari Office, Chana Dik, P.S. - Shikarpur, Distt. - West
Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Raniganj P.S. Case No. 430 of 2022 registered on 29.11.2022 for the alleged offences under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 11 of the Prohibition of Child Marriage Act, 2006.

3. As per prosecution case, co-accused Jiwan Mandal on payment of money to the wife of the informant got his minor daughter married to this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner was assured that the daughter of the informant was



major and thereafter he agreed for the marriage. It is apparent from the FIR that the informant's wife has consented to the marriage and there was no resistance prior to the said marriage. After the marriage the informant's wife started making further demand and it appears that she and co-accused Jiwan Mandal cheated the petitioner. It is also apparent from the FIR that there is no overt act on the part of the petitioner and there is no allegation of any sexual overt act as well. The offences mentioned in the FIR are all bailable except Section 11 of the Prohibition of Child Marriage Act, 2006 which is punishable with imprisonment for two years. The petitioner is in custody since 29.11.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP opposes the prayer for bail submitting that the petitioner acted against the provisions of Prohibition of Child Marriage Act and married with the minor daughter of the informant.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the fact emerging from the FIR and possibility of false implication and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria/concerned court in connection with Raniganj P.S. Case No. 430 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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