

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42753 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- KHUDWA District- Aurangabad

Rajesh Tiwari S/o Shri Nivas Tiwari R/o Village- Sonbarsa, P.S.- Amba,
District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

According to prosecution case, informant Atul Sharma, as stated in his written application that on 19.04.2021 his niece (Bhatiji) namely x aged about 17 years, daughter of Amresh Sharma on 17.04.2021 at about 04:00 AM morning without giving any information she went somewhere when they wake up they started searching and in the course of search he come to know that accused Rajesh Tiwari (petitioner) has taken away his niece (Bhatiji) victim 'x' for the purpose of marriage. The father of the accused Rajesh Tiwary namely, Shri Nivash



Tiwari and mother of accused namely, Vibha Devi, Mama of the accused namely, Raj Kumar Pandey, brother of the accused Rajnikant Tiwari and sister of the accused Suman Tiwari, all are involved in kidnapping of niece (victim).

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner and the victim was in love and they have performed the marriage on 14.03.2022 but fairly submits that the petitioner has performed second marriage with the victim with consent and the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and case diary submits that it has come during investigation in para 165 of the case diary that the petitioner has performed the second marriage with the victim. The statement of the first wife of the petitioner was recorded in which she has categorically stated that the petitioner was performed the marriage with her on 01.07.2017 and it has come during investigation that the victim girl was minor at the time of occurrence and in the eye of law consent of the minor is



no consent. He further submits that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Khudwan P.S. Case No. 24 of 2021 pending in the court of learned Judicial Magistrate-1st Class, Daudnagar, Aurangabad (Bihar).

Prayer is refused.

(Rajesh Kumar Verma, J)

mdrashid/-

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

