

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55670 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- GHOSWARI District- Patna

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DHIRAJ KUMAR SON OF SRI SANJAY MISTRY RESIDENT OF
VILLAGE- PAIJNA, PS- GHOSWARI, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Ghoswari P.S. Case No. 82 of 2022 for the offence punishable under Sections 341, 323, 363, 354, 406, 420, 504 and 34 of the Indian Penal Code lodged on 28.5.2022 by the informant, Khusboo Kumari.

As per the prosecution story, the allegation is that on the point of pistol, the victim girl was made to sit in the tempo and brought her to Mokama Railway Station from where this petitioner took her to Delhi and solemnized marriage. Accordingly, the FIR.

It is the case of the petitioner that though the informant claims the girl to be minor, with the help of paragraph-12 of the petition, he submits that the Doctor has



found her age to be 18-20 years. The further submission is that since 20.6.2023, they are living as husband and wife and a child come out of the said wedlock.

Learned APP opposes the prayer stating that the allegation against him is of kidnapping the victim girl.

Considering the development that has taken place subsequently, the age has been assessed to be 18-20 years as narrated by the petitioner in paragraph-12, they were in relationship, a child has come out of the said relationship and he has remained in custody since 20.6.2022 (para-18 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

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 1st Additional Chief Judicial Magistrate, Barh, Patna, in connection with Ghoswari P.S. Case No. 82 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, 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)

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