

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57735 of 2023

Arising Out of PS. Case No.-226 Year-2021 Thana- ALAMNAGAR District- Madhepura

MITHILESH KUMAR S/O PIRWAT MANDAL @ PRITHVI SINGH R/O
VILLAGE- KABAIYA, WARD NO.-01, P.S- ALAMNAGAR, DISTT.-
MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Alamnagar P.S. Case No. 226 of 2021 for the offence punishable under Sections 366/34 of the Indian Penal Code lodged on 9.11.2021 by the informant,Prabhash Kumar.

As per the prosecution story, the allegation is that the minor daughter of the informant was kidnapped by the petitioner for the purpose of marriage.

It is the case of the petitioner that neither the word kidnap is appropriate nor the girl is minor inasmuch as her date of birth is 15.1.2003 as per mark-sheet issued to her by the Bihar School Examination Board, Patna and the alleged date of occurrence is 8.11.2021 which clearly shows that she was not a



minor by that time, the informant alleges kidnapping.

Further submission is that the girl returned and has given her statement by way of affidavit stating that she has solemnized marriage with the petitioner and residing at her in-laws' house (petitioner's home) which was resented by the parents, hence the FIR.

Learned APP Mr. Bharat Bhushan opposes the prayer stating that there is allegation of kidnapping of the informant's daughter.

Taking into account the submission put forward by the parties, admittedly the Annexure-2, marksheet of the victim girl which shows that she was above 18 years on the date of occurrence, the affidavit, Annexure-3 shows that she is living in the petitioner's home after solemnizing the marriage, is in custody 23.6.2023 and do not have criminal antecedent, 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 Judicial Magistrate,-1st Class, Udakishunganj, Madhepura, in connection with Alamnagar P.S. Case No. 226 of 2021 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 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;

(iv) 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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