

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59108 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- KAUWAKOL District- Nawada

Udayveer, S/O Nathu Ram R/O Village- Bhamai, P.S- Khergarh, Distt.-
Firozabad, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kawakole (Rupau O.P.) P.S. Case No. 330 of 2023, lodged on 01.06.2023 under Sections 363, 366(A), 370, 372 and 373 of the Indian Penal Code and section 10 of the Child Marriage Prohibition Act, 2006.

3. As per the prosecution case, the FIR has been lodged against the present petitioner in which there is an allegation for kidnapping of a minor girl for the purpose of marriage.

4. Learned counsel for the petitioner submits that the victim has been recovered. Under section 164 of the Cr.P.C., she has narrated that her age is 18 years. Counsel also submits that



the aunt of the victim has arranged the marriage of the alleged victim with the petitioner and the petitioner is still ready to marry her.

5. Learned counsel for the petitioner further submits that the petitioner is at no fault and the antecedent of the petitioner is clean and he is in custody since 01.06.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the ingredients of IPC may not be attracted but the ingredients of section 10 of the Child Marriage Prohibition Act, 2006 are present in which punishment of fine is of Rs.1,00,000/-.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **upon deposit of Rs. 50,000/- before the Court** and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st, Class, Nawada in connection with Kawakole (Rupau O.P.) P.S. Case No. 330 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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