

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68407 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- CHAUSA District- Madhepura

1. Amrendra Mandal @ Madho Mandal son of Kailash Mandal Village- Rasalpur Dhuriya W.No-7, PS- Chausa Dist- Madhepura
2. Shyamal Mandal son of Kailash Mandal Village- Rasalpur Dhuriya W.No-7, Ps- Chausa Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Chousa P.S. Case No. 127 of 2023, lodged on 11.05.2023, under Sections 341/323/379/363/504/506/34 of the I.P.C. and Sections 10/11 of the Prohibition of Child Marriage Act, 2006.

3. As per the prosecution case, the FIR has been lodged against five named accused persons including the present petitioner. Allegation against them is that the marriage of daughter of petitioner No.2 has been forcefully solemnized with the informant's son after kidnapping him.

4. Learned counsel for the petitioners submits that this



marriage was alleged to have solemnized with minor son of the informant and it is due to this reason the offence under the Prohibition of Child Marriage Act, 2006 has also been added. Counsel for the petitioners submits that the antecedent of the petitioners are clean and they are in custody since 08.07.2023. Counsel submits that after marriage both husband and wife are living happily. Counsel further submits that this FIR has been lodged after about one and half year of the alleged occurrence.

5. Learned counsel for the State opposes the prayer for bail and submits that there is no delay in lodging the FIR as the informant has earlier moved his FIR which had not been accepted then he filed criminal writ. Thereafter only his FIR has been registered. Counsel for the State also submits that admittedly the day on which the said marriage has taken place, the couple were minor and, therefore, there is gross violation of prohibition of child marriage.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail **on deposit of Rs.50,000/- before the trial Court** and further on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M.,



Udakishunganj at Madhepura, in connection with Chousa P.S.
Case No.127/2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

(iii) the petitioners 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

(iv) the petitioners 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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