

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17832 of 2024**

Arising Out of PS. Case No.-142 Year-2021 Thana- SIKANDRA District- Jamui

Manjesh Kumar @ Munna Kumar SON OF Sukhdev Mahto @ Sugdeo
Mahto Village-Kurhadih, P.S. -Sikandra, Dist.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr Jagdhar Prasad, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2 The petitioner apprehends arrest in connection with
Sikandra PS Case No 142 of 2021 dated 02.06.2021 instituted
under Sections 366A/34 of the Indian Penal Code.

3 The prosecution case is that the petitioner forcibly
kidnapped the daughter of the informant for the purpose of
marriage.

4 The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The victim girl appeared before the Magistrate and
recorded her statement under Section 164 of Cr P C on the
request of police. In her statement, she claimed her age as 19



years and learned Court below also assessed her age as 19 years. It is further submitted that she came with a specific stand that she is major and got married with the petitioner out of her own sweet will and now want to join the family of her husband (petitioner). Then learned Court allowed her to go with her Nanad, i e, sister of the husband of the victim. It is submitted that when the bail application of brother of petitioner (co-accused) was pending, the father of the victim girl appeared and filed admission register of the school and claimed her as minor. Thereafter, the learned Court below agreed with the claim of the informant (father of the girl) and allowed her custody in favour of the informant. It is also submitted that after some time, when good sense prevailed in between the families, then the informant allowed the victim to join her in-laws' family. She is, at present, residing with the petitioner as his wife and has been blessed with a baby boy and the petitioner and his wife are leading their happy life with their newly born baby. The learned counsel for the petitioner further submits that now the victim is major and she has solemnized marriage out of her own sweet will, though against the wish of her father, with the petitioner and presently residing with her husband. It is submitted that petitioner has eight cases against him in which he is on bail.



5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 01st Class, Jamui in Sikandra PS Case No 142 of 2021 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and/or his wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses,



in that case, the prosecution will be at liberty to move for
cancellation of bail.

7 The application stands allowed.

(Khatim Reza, J)

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