

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79382 of 2023

Arising Out of PS. Case No.-151 Year-2023 Thana- DUMRA District- Sitamarhi

Tripurari Kumar, Son of Late Suresh Singh, Resident of Village- Ram Nagra,
PS- Riga, Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Uma Kant Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Dumra P.S. Case No. 151 of 2023 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 18.03.2023 the grand daughter (aged about 17 years) of the informant went to her maternal grandfather in the village Hari Chapra on the eve of Saraswati Puja but did not return and after search, the informant got information that his grand daughter has been forcibly lifted on Scorpio vehicle by accused persons, namely, Tripurari Kumar (this petitioner), Chandan Kumar, Rani Kumari, Urmila Devi and Ram Kumar Singh.

4. Learned counsel for the petitioner submits that it is a case of adolescent love and affection out of which the petitioner and



the victim girl solemnised marriage. The victim girl herself appeared in the court and admitted the factum of marriage with the petitioner.

5. Learned counsel submits that at the relevant time, the victim girl was aged about 17 years and 6 months. She was sent to short stay home. On attaining majority, she filed an application for her release and expressed her desire to go to her *sasural* and live with the petitioner. Learned counsel submits that vide Annexure 'P/2' to the present application passed by learned Additional Sessions Judge-VI, it would appear that the victim girl has been released. Her father was present in the court but she did not want to go with him. She is living with the petitioner as his wife.

6. Learned counsel for the informant has opposed this application. It is submitted that the victim girl was minor at the time she was taken away by the petitioner. It is submitted that in such circumstance, where a minor girl has been allured and taken away by the petitioner and thereafter, the marriage has been performed, the petitioner does not deserve privilege of anticipatory bail.

7. Learned APP for State has endorsed the submission of learned counsel for the informant.

8. Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that in the nature of the present case where even after attaining the majority, the victim girl has decided to live with the petitioner and she is not supporting the prosecution case, the petitioner deserves privilege of



anticipatory bail.

9. Let in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Dumra P.S. Case No. 151 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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