

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78566 of 2024

Arising Out of PS. Case No.-766 Year-2024 Thana- MADHEPURA District- Madhepura

Nitish Kumar @ Abhimanyu Kumar, S/O Vijay Mandal, R/O Village-
Basudeva, Ward no.10, P.O- Basudeva, P.S- Ghailadh, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Neelam Devi, W/O Subhash Kumar Singh, R/O Village- Basudeva,
Ward No. 10, P.O- Bausudeva, P.S- Ghailadh, Distt.- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Vishoka Nand, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Madhepura (Ghailadh O.P.) P.S. Case No. 766 of 2024, registered for the offences under Sections 127(1), 115(2), 137, 140(3), 76, 303(2)/ 3(5) of B.N.S. and under Section 27 of the Arms Act.

3. As per prosecution case, petitioner and other co-accused persons, on gun point, kidnapped the minor daughter of the informant and also assaulted the informant and her family members and the petitioner opened fire in order to terrorize the people.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The prosecution story is not believable that all the brothers, father, mother and neighbour of the petitioner have been implicated in this case. The statement of the victim girl was recorded under Section 164 of Cr.P.C., wherein she stated that she solemnized marriage with the petitioner and her age is above 19 years. She also stated that her mother refused to solemnize her marriage with the petitioner and trying to fix her marriage with some other person and for this reason she voluntarily fled away with the petitioner and went to Nepal. Earlier also she fled away with the petitioner from the house and was kept in Katihar Balika Griha. Since it is an inter-caste marriage, the same is being opposed by the informant. The initial vaccination card of the victim girl shows her date of birth to be 06.03.2005. Petitioner is having antecedent of one more case registered for kidnapping of the same girl and all his family members have been made accused. Petitioner is in custody since 09.08.2024 and charge-sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the



informant submits that during investigation police recorded the statement of the victim girl wherein she stated that the petitioner forcibly solemnized marriage and entered into sexual relationship with her. The matriculation certificate shows the victim was minor on the date of occurrence. Learned counsel further submits that other documents showing the majority of the victim girl has been fabricated by the petitioner who are influential people of their locality and if granted bail, they would temper with the trial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl and her age when a girl develops sufficient maturity and further considering the period of custody of the petitioner coupled with submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura/concerned court, in connection with Madhepura (Ghailadh O.P.) P.S. Case No. 766 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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