

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32387 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -MUFFASIL District- AURANGABAD

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1. Dinesh Ram @ Dinesh Kumar S/o Fakira Ram@Phakira Ram R/o
Village Poema, Ps. Muffasil District Aurnagabad.(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 06-11-2015 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 363 and 364 A of the I.P.C

Allegedly, the petitioner kidnapped Babita Kumari
aged 16 years, the daughter of the informant, but both were caught
at Rafiganj railway station.

Submission is that the petitioner and the victim girl
are having love affairs, she is major and this fact has come in last
paragraph of the impugned order as the doctor has found her
major. The victim in her statement recorded under section 164
Cr.P.C. has not stated regarding any sort of misbehave or of sexual
harassment and from plain reading of the F.I.R itself it reveals that

the victim went out with her own sweet will and as such the petitioner who is suffering in custody since 15.05.2015 deserves sympathetic consideration as he has got no criminal antecedent.

The learned A.P.P. submits that against the petitioner there is allegation of kidnapping and the victim has also stated that the petitioner took her away.

In the facts and circumstances as stated above, considering that there is no allegation against the petitioner for committing sexual harassment with the victim and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Aurangabad in Aurangabad Muffasil P.S. Case No. 97 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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