

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33233 of 2015

Arising Out of PS.Case No. -49 Year- 2013 Thana -BABUBARHI District- MADHUBANI

Md. Amanullah @ Raja Son of Md. Tahir Hassan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 366 of the Indian Penal Code.

The accusation is of kidnapping the sister of the informant.

It is submitted by learned counsel for the petitioner that in 164 Cr.P.C. statement, the victim got her age recorded as 18 years when the learned court below assessed her age as 19 years whereas the medical board has opined her age about 17-18 years wherein she has stated that this petitioner purposed to marry her, the victim also wanted to marry him, as a result, she went in the company of this petitioner to Nepal and, from where

the victim returned of her own. It is further submitted by learned counsel for the petitioner that the victim has not alleged any misbehaviour and the medical board has also does not suggest any injury or sign of rape.

Considering the 164 Cr.P.C. statement of the victim that she of her own went in the company of the petitioner and non-misbehavior has been alleged, it is a case for consideration of prayer for regular bail. Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Babubarhi P.S. Case No.49 of 2013, pending before the learned Chief Judicial Magistrate, Madhubani.

With the above observation, this application is, accordingly, disposed off.

Ashwini/-

(Dinesh Kumar Singh, J)

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