

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41038 of 2015

Arising Out of PS.Case No. -239 Year- 2014 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Amit Kumar S/o Narendra Kumar Resident of Village Bhelwa, P.S.
Madhuban, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Satyaverat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 06-10-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 363
and 366A of the Indian Penal Code.

The accusation is of kidnapping the minor
daughter of the informant. Though, the petitioner was not named
in the FIR, but subsequently his name sprang up in 164 Cr.P.C.
statement of the victim where she has stated that she went in the
company Sumit of her own and thereafter Sumit and three others
including the petitioner ravished her.

It is submitted by learned counsel for the

petitioner that in 164 Cr.P.C. statement the victim has got her age recorded as 15 years when the court has assessed as 16 years, though, as per the medical opinion she found to be above 19 years, the 164 Cr.P.C. statement suggests that she was in love with Sumit. The medical opinion does not suggest that she was being ravished.

The aforesaid facts constitute ground for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Madhuban P.S. Case No. 239 of 2014 pending in the court of learned Judicial Magistrate, Ist Class, Motihari, East Champaran.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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