

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51892 of 2014

Arising Out of PS.Case No. -516 Year- 2014 Thana -SAHARSA District- SAHARSA

Vikash Kumar, son of Dhaneshwar Das

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Parmanand Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-01-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Saharsa Sadar P.S. Case No. 516 of 2014 registered for the
offences punishable under Sections 365, 366A of the Indian Penal
Code.

The statement of victim has been recorded under
Section 164 of the Cr.P.C. and in her statement, she supported the
story of kidnapping. The victim disclosed her age as 14 years and
the concerned court also assessed her age as 14 years but when she
was medically examined her age was found above 18 years.

The contention on behalf of the petitioner is that
neither the victim nor the informant disclosed this fact that the
victim was abducted for sexual harassment or for the purpose of

marriage and, therefore, at best, it is a case of Section 363 of the Indian Penal Code which is bailable in nature.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of with direction to petitioner to surrender before the court of Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 516 of 2014 within four weeks from today and seek regular bail and if petitioner does so, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this order particularly, keeping in mind the points raised before this court on behalf of the petitioner and furthermore, the concerned court shall pass appropriate order on the regular bail petition of the petitioner in accordance with law on the date of his surrender.

(Hemant Kumar Srivastava, J)

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