

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42439 of 2015

Arising Out of PS.Case No. -267 Year- 2013 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

=====

Lokesh Tiwary son of Ramesh Tiwary, R/o Mohalla- Chandmari, P.S.
Town, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-12-2015 Heard both sides.

The petitioner apprehends his arrest in Chhatauni
P.S. Case No. 267/2013, registered for the offences punishable
under Sections 366A, 363, 372 and 34 of the Indian Penal Code.

The informant made allegation that the petitioner and
others kidnapped his minor daughter aged about 14 years.

It is submitted that the informant is not an eye-
witness of the occurrence. The victim made her statement under
Section 164 of the Cr.P.C. The victim disclosed her age to be 19
years. She voluntarily left her house. She did not make any
allegation of kidnapping against the petitioner. The doctor also
assessed the age of the victim to be 17-18 years.

Learned counsel for the informant as well as learned

Additional P.P. vehemently opposed the prayer for bail and submitted that the date of birth of the victim in the School certificate is 13th September, 1999. The victim is a minor girl.

Taking into consideration that the victim herself denied to have been kidnapped by the petitioner or any others, she has stated that she left her house voluntarily, similarly situated co-accused Rakesh Kumar @ Rakesh Tiwary has already been granted anticipatory bail vide order passed in Cr. Misc. No. 33710/2015, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Chhatauni P.S. Case No. 267/2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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