

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48748 of 2015

Arising Out of PS.Case No. -65 Year- 2013 Thana -JAGDISHPUR District-
BHAGALPUR

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Kunal Kumar son of Shivnandan Yadav, resident of village/Mohalla- Ram
Tola, Khothiya, P.S.- Mufassil, District- Khagaria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh-I(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 05-11-2015 The petitioner apprehends his arrest in a case under
sections 363 and 366A of the Indian Penal Code.

The informant alleges that his 17 years old daughter is
traceless since time she went to ease herself on 10.4.2013. He
named 8 persons as suspect in the FIR. Complicity of the
petitioner is disclosed in Section 164 Cr.P.C. statement of the
victim.

Learned counsel submits that the statement under
section 164 Cr.P.C. is at variance with the statement made by
the girl's father in the FIR. He further submits that even as per
164 Cr.P.C. statement, it is the other two boys who had taken
away the girl from her house. He submits that there is no
allegation that the petitioner misbehaved with the girl.

In view of the facts and circumstances of the case, the

petitioner should surrender and seek regular before the Chief Judicial Magistrate, Bhagalpur, which would be disposed of on its own merit also taking into consideration that the victim's statement under section 164 Cr.P.C. is at variance with the statement made by her father and he was not amongst those who took away the girl.

Shashi.

(Samarendra Pratap Singh, J)

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