

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48687 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -KHODAWANPUR District- BEGUSARAI

1. Sanjay Choudhary son of Prithvi Choudhary, resident of Village- Bara,
P.S.- Khodawandpur, Distt- Begusarai. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 03-11-2015

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under Sections 376A, 365/34 of the Indian Penal Code.

It is alleged by the informant that the petitioner came to his house on 9.5.2015 at about 5 AM and called his minor daughter, where after he went along with her. It is alleged that when his daughter did not return, he made hectic search but could not found her. On enquiry, the petitioner told that his daughter went with one Surendra Ram. A statement of the victim girl under section 164 Cr.P.C. was recorded on 12.5.2015 wherein she stated that the petitioner and one Surendra Ram forcibly took her away.

Learned counsel for the petitioner refers to Annexure-3, which is another statement of victim girl recorded under section 164 Cr.P.C. on 11.6.2015 in connection with Khodawandpur P.S. Case No.121 of 2015, dated 11.6.2015. In the aforesaid case, she stated she does not want to go home as her parents maltreated and assaulted her. She further states that she wants to marry with Arvind Paswan. She further states that as her father had assaulted, she had jumped from the roof and had gone to Delhi with Arvind

Paswan.

Learned counsel for the petitioner submits that the victim girl cannot be held to be reliable in view of her subsequent statement recorded on 11.6.2015.

Learned State counsel opposes the prayer for bail.

It is true that the victim girl has made different statements in her statement recorded under section 164 Cr.P.C. before the Court. In my view, the grounds taken by the petitioner may be a good ground for regular bail as he has been named in the First Information Report and the victim girl has named him in her first statement recorded under section 164 Cr.P.C.

Having regard to the facts and circumstances of the case, this application is disposed of with an observation that if the petitioner surrenders and pray for regular bail, the same would be disposed of on the same day without being prejudice by the fact that the petitioner has moved this Court for grant of anticipatory bail.

(Samarendra Pratap Singh, J)

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