

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51579 of 2015

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1. Sk. Nassir son of Sk. Abid resident of village - Jogiya, Police Station -
Ramnagar, District - West Champaran.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai

For the Opposite Party/s : Mr. Anand Kishore Choudhary(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Ramnagar P.S.Case No. 154 of 2015 registered for offences
punishable under Sections 366 (A), 372, 354 (C)/34 of the Indian
Penal Code and Section 11 of the Protection of Children from
Sexual Offences Act, 2012.

The prosecution case is that Ramnagar P.S.Case No.
154 of 2015 was registered on 03.08.2015 under Sections-366 (A),
372, 354 (C)/34 of the Indian Penal Code and Section 11 of the
Protection of Children from sexual Offences Act, 2012 on the
basis of fardbeyan of Sk. Munna dated 03.7.2015. The informant
Sk. Munna made (1) Sk. Nassir (2) Sheikh Samir (3) Hitler @
Bittu (4) Dipu Sonar (5) Ajay Keshari (6) Mother of Ajay Keshari
(7) Punam Devi (8) wife of Ajay Keshari and (9) Ahmad accused

in the case alleging therein that on 31.07.2015 at 8.00 P.M. his daughter Gul Arsa Praveen, aged about 17 years was kidnapped by Sk. Nassir (petitioner), Sk. Samir and Hitler @ Bittu who kept his daughter at the house of Ajay Keshari from where all the four persons had taken away his daughter some where else. It is further alleged that Ajay Keshari, his mother and Punam Devi took naked photograph of his daughter and got a cassette prepared. It was further alleged that while the above named four persons were taking away his daughter, the local persons namely, Dipu and others made an enquiry from them. The informant enquired from Ahmad, who gave a mobile No. 8507893601 saying that he can get information about his daughter. He further alleged that Sk. Nassir and Hitler @ Bittu gave threatening on his mobile. The informant anticipated that his daughter might have been kidnapped for illegal work of prostitution and human trafficking.

It has been submitted that the victim girl namely, Samma Praveen @ Gul Arsa Praveen had disclosed her age as 18 years in her statement made under Section 164 of the Cr. P.C. and the victim girl also disclosed that she went with Sk. Nassir (petitioner) out of her own sweet will. However, the Magistrate has found her age about 16 years but the Medical Examination Report assessed the age of the victim to be 17 years to 19 years. The physical X-ray and pathological findings also specifies the age of the victim to be 17 to 19 years.

Further, it has been submitted by the learned counsel for the petitioner that the admit card of matriculation examination issued by Bihar School Examination Board, Patna also specify the date of birth as 10.03.1997. Hence, the daughter of the informant is above 18 years of age.

Furthermore, it has been submitted that both the informant's daughter and the petitioner are having love affairs and no case is made out against the petitioner as alleged in the F.I.R.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, Bagaha, District- West Champaran in connection with Ramnagar P.S.Case No. 154 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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