

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39707 of 2014

Arising Out of PS.Case No. -46 Year- 2014 Thana -BHAGWANPUR District- BEGUSARAI

Vijay Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. B.M.P Sinha (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

08 09-04-2015

Learned counsel for the petitioner seeks correction in the prayer portion of the petition and the same is allowed.

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

On account of disappearance of Ratna Kumari aged about 16 years, her father Chhannu Jha had instituted this case by way of written report whereunder he had identified the petitioner to be the main accused, who in association with co-accused Sanjay Sah and Santosh Sah been alleged to have enticed away Ratna.

During course of investigation, Ratna has been traced out, her medical examination was conducted wherein rape has been ruled out. Furthermore, her age has been estimated in between 16-18 years, though, appears to be of understandable mental condition. There happens to be her statement under Section

161 of the Cr.P.C. under Para-51 as well as under Section 164 of the Cr.P.C. under Para-54. After having conjoint reading of both paras, it is apparent that though she alleged to have been kidnapped at the end of petitioner including others, but her conduct speaks otherwise including, while staying with petitioner at Delhi, she had not alleged any sort of maltreatment/ misbehaviour at his end. Moreover, petitioner happens to be under custody since 20.03.2014.

In the facts and circumstances of the case, petitioner **Vijay Sah** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Begusarai in connection with Sessions Trial No.423 of 2014 arising out of Bhagwanpur P. S. Case no.46 of 2014.

(Aditya Kumar Trivedi, J)

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