

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47453 of 2014

Arising Out of PS.Case No. -350 Year- 2013 Thana -SITAMARHI District- SITAMARHI

Awadhesh Kumar Son of Ram Nandan Singh @ Ram Nandan Mahto
Resident of Village - Berwas, P.S. - Dumra, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 14-05-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Sitamarhi P.S.
Case No. 350 of 2013 dated 26.04.2013 instituted under Sections
363/366A/34 of the Indian Penal Code.

The allegation against the petitioner along with five
others is that they had kidnapped the sister of the informant with
the intention to marry or sell or kill or commit rape.

Learned counsel for the petitioner submits that it is a



case of lover affair but later on due to the influence of the family members, the sister of the informant has stated before the Court in her statement under Section 164 of the Code of Criminal Procedure, 1973 accusing various persons for her forceful abduction. It is submitted that the story in the statement before the Court is unnatural inasmuch as she is said to have been called by her friends and then taken to Delhi in a state of intoxication where she was asked to marry the petitioner, and on refusal, she was made to cohabit and it is further stated that her brother-in-law who is at Delhi was called and she was handed over to him and later on she presented herself before the police and then taken to the Court for recording statement. Learned counsel has referred to the medical report which has opined that definite opinion with regard to rape cannot be given and further that the age of the girl was above 18 years. Learned counsel has also drawn the attention of the Court to the photographs annexed with the application which show that the petitioner and girl were married and from the expression of the girl it does not show any tension or duress. It is submitted that all the friends of the petitioner and the girl have also been made accused and that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory

bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Sitamarhi P.S. Case No. 350 of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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