

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38322 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -HARLAKHI District- MADHUBANI

1. Prem Devi wife of Nand lal yadav@Ganaur yadav Resident of Village -
Umgaw, P.s Harlakhi, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 24-09-2015 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under sections 363 and
366A of the Indian Penal Code.

The accusation is of kidnapping the minor daughter
of the informant. In 164 Cr.P.C. statement the victim got her age
recorded as 15 years though as per medical opinion she was found
to be 17 years old. In 164 Cr.P.C. statement the victim stated that
she was being taken by Lalan Yadav, his mother and maternal
uncle of Lalan to Nepal and thereafter she was released by the
maternal uncle of Lalan.

It is submitted by the learned counsel for the

petitioner that the thrust of accusation is against Lalan with whom the victim was in love. There is no accusation of misbehaviour against any of the accused persons. It is further submitted that the medical opinion does not suggest any sign of rape and there is contradiction between the accusation levelled in the FIR and the statement of the victim under section 164 Cr.P.C.

The aforesaid facts constitute ground for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Harlakhi P.S. Case No. 29 of 2015 pending in the court of learned JM Ist Class, Madhubani.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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