

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42660 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

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1. Amit Kumar @ Amit Kumar Yadav @ Amit Kumart S/o Sri Sikandar Yadav
2. Gulshan Kumar @ Gulshan Kumar Yadav S/o Sri Sunil Kumar Yadav
Both residents of village Naudega, P.S. Biraul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha
For the Opposite Party/s : Mr. Ajay Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-10-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code and sections 4 and 17 of The Protection of Children from Sexual Offences Act.

The prosecution case is that the minor daughter of the informant namely Kumari Pallavi went for study but did not return. During search the informant came to know that petitioner no.1 and co accused Bhola Yadav kidnapped the victim with the help of petitioner no. 2.

It is submitted by the learned counsel for the petitioners that in 164 Cr.P.C. statement the victim got her age recorded as 20

years when the court assessed her age as 17 years where the victim stated that she had never been kidnapped and she of her own went to Delhi without informing her parents. Subsequently, a joint application has been filed that the victim has performed marriage with petitioner no. 1. From the impugned order, it appears that the victim girl appeared before the learned court below and admitted the factum of marriage.

Considering the 164 Cr.P.C. statement of the victim, the retracted stand of the victim before the learned court below and the fact that even as per assessment made by the learned Magistrate the victim was found approaching majority, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga in connection with Bahadurpur P.S. Case No.62 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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