

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32110 of 2015

Arising Out of PS.Case No. -192 Year- 2013 Thana -BRAHMPURA District- MUZAFFARPUR

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1. Vikki @ Ashraf son of Mustafa @ Gulam Mustafa Resident of Mohalla-Satpura, P.S.- Kazi Mohammadpur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 05-11-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Brahmpura P.S. Case No. 192 of 2013 registered for the offences punishable under Sections 363, 366A of the Indian Penal Code.

Allegedly, the petitioner and other co-accused kidnapped Najis Rizwan the minor daughter of the informant and solemnized marriage with her.

Submission is that the victim girl is not minor rather she is major, the doctor has found her age 16-17 years and she in her statement recorded under Section 164 Cr.P.C. has not stated that she was misbehaved in any way by the petitioner or any other. She has stated regarding court marriage and Nikah out of her own sweet will and consent. Compromise petition has also been filed in

the court below which is annexure-3 to this application and as such the petitioner who is suffering in custody since 08.06.2015 deserves sympathetic consideration.

Learned APP submits that the victim has stated that she was forcibly taken away by the petitioner and others but has not stated regarding misbehave with her.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahmpura P.S. Case No. 192 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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