

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44791 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -BHAWANIPUR District- PURNEA

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Nikku Singh S/o- Shri Prabhakar Singh, R/o- Village- Balia, P.S.-
Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Special
Case No. 27 of 2015 arising out of Bhawanipur (Balua) P.S.
Case No. 77 of 2015 dated 26.04.2015 instituted under
Sections 363/366A/372/120B of the Indian Penal Code to
which lateron Section 376 of the Indian Penal Code and
Section 12 of The Protection of Children from Sexual Offences
Act, 2012 was also added.

The allegation against the petitioner is that he
had taken away the daughter of the informant who was a
minor with the intention to establish illicit relationship.

Learned counsel for the petitioner submits that
from the plain reading of the F.I.R. itself it is clear that the
daughter of the informant had gone with the petitioner
willingly which indicates that there was love affairs between



the parties. It is submitted that even the F.I.R. has been lodged after three days of the alleged date of occurrence for which there is no explanation. Learned counsel submits that the girl was brought to the police station by the father of the petitioner on 30.04.2015 which indicates that there was no criminal intent and that the girl was not forcibly abducted. It is submitted that after the girl having been recovered she was subjected to medical examination in which no sign of external or internal injury have been found and it has also been opined that there was no sign of rape and the age has been assessed between 16-17 years. Learned counsel submits that the statement of the girl has also been recorded on 01.05.2015 under Section 164 of the Code of Criminal Procedure, 1973 in which she admits that she was not forcibly taken though she has alleged that the petitioner forcibly established physical relationship and also married her. It is also admitted that the father of the petitioner had taken her to the police station. It is thus submitted that she having been influenced by the police and family members had made such statement as there is no explanation why she did not try to come back or raise alarm for almost a week and further it is admitted by her that she was also married to the petitioner and there is also no explanation as to why she did not object while the marriage was being performed. Learned counsel for the petitioner submits that the petitioner has no criminal antecedent and

has been falsely implicated though it is clearly a case of love affairs in which both the sides were equally responsible.

Learned A.P.P. submits that the girl has stated against the petitioner before the Court.

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 Additional Sessions Judge-I, cum Special Judge, Purnea in Special Case No. 27 of 2015 arising out of Bhawanipur (Balua) P.S. Case No. 77 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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