

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36182 of 2015

Arising Out of PS.Case No. -132 Year- 2014 Thana -NATHNAGAR District- BHAGALPUR

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1. Nand Prakash Sah @ Nand Prakash @ Nandu Kumar Sah S/o Om
Prakash Sah R/o Mohalla - Bishari Asthan Chowk, M.T.N. Ghosh
Road, Nath Nagar, P.S. Nath Nagar, Distt. - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2015

Heard learned counsels for the petitioner and

the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 376,
372, 34 of the Indian Penal Code.

The prosecution case is that the informant's
minor daughter went missing on 20.05.2014. On 21.05.2014
the informant got information that his daughter has been
recovered by the railway police of Manwarh near railway
station. The informant reached there when daughter of the
informant told him that this petitioner enticed her and took her
to Bhagalpur railway station and boarded her to Lok Manya
Tilak train and told her that Raju Kumar @ Dharmendra
Kumar would accompany her from Kalyan railway station but
police apprehended the daughter of the informant before

Kalyan railway station. It is also alleged that this petitioner continuously ravished her.

It is submitted by learned counsel for the petitioner that for the occurrence of 20.05.2014 the First Information Report was registered on 27.05.2014 when no information was given to the police. Subsequently Bhagalpur Mahila P.S. Case No. 73 of 2014 was registered on 26.09.2014 under Section 366A/34 of the Indian Penal Code wherein the present informant alleged that one Raju Kumar has kidnapped the daughter of the informant in connivance with this petitioner. During investigation the statement of the victim was recorded under Section 164 Cr.P.C on 7th of October, 2014 much after lodging of the present case wherein she stated that she of her own married with co-accused Raju Yadav and accepted about lodging of the present case at earlier point of time. She also stated that her father used to say that she is dead for all purposes to the family where she stated that she wants to stay with Raju Yadav.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the fact that victim, subsequent to lodging of the case, in 164 Cr.P.C statement has stated that she of her own married with Raju Kumar and has not whispered a word against this petitioner, let the petitioner, above named, in the event of his arrest or surrender before the

Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhagalpur in connection with Nath Nagar P.S. Case No. 132 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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