

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51903 of 2014

Arising Out of PS.Case No. -306 Year- 2013 Thana -SARAIYA District- MUZAFFARPUR

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Amit Kumar, Son of Jawahar Singh, Resident of Village – Sahdullapur,
P.S.- Gangabridge, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party/s : Mr. Satyendra Nr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 05-01-2015

Heard both sides.

The petitioner Amit Kumar apprehends his arrest in a case registered under Sections 366(A) and 504 of the Indian Penal Code in connection with Saraiya P.S. Case No. 306 of 2013.

The father of the victim alleged that Mukesh Singh and others kidnapped his minor daughter.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. There were love affairs between the petitioner and the victim. The victim earlier wrote letter admitting the fact of her affairs with the petitioner. She remained under control of her father for two weeks and thereafter she made her statement under Section 164 of the Cr.P.C. alleging therein that the petitioner kidnapped her and forcibly established physical relationship with her.

Learned APP did not dispute the facts.

It appears that the victim herself disclosed in her statement under Section 164 of the Cr.P.C. that it was the petitioner who forcibly kidnapped her and established physical relationship with her. The victim is a minor aged about 16 years assessed by the court.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks and the court below shall consider the prayer for bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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