

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40435 of 2014

Arising Out of PS.Case No. -64 Year- 2014 Thana -BHAGWAN BAZAR District- SARAN

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1. Vikash Kumar Son of Anil Ram Resident of Village-Telpa, P.S.-Chpara Town, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna Singh

For the Opposite Party/s : Mr. Ashok Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2. 25-03-2015. Heard learned counsel for the petitioner, the informant and learned A.P.P. for the State.

Petitioner apprehends his arrest in a case under section 366A of the I.P.C.

The informant alleged in the complaint petition that on 13.9.2013, the petitioner and others kidnapped his minor grand daughter.

Learned counsel for the petitioner submits that after about a month, the case was lodged. The victim is a major one. The doctor has assessed her age between 19-20 years and the victim has also made her statement under section 164 Cr.P.C. The victim is pregnant. She herself stated that after solemnizing marriage, she was living in the house of the petitioner but the mother of the petitioner demanded dowry and that is why, she fled away from the house on 28.3.2013. Her statement u/s 164 Cr.P.C. was recorded on 24.4.2014.

On the other hand, learned counsel for the informant

submitted that the victim is a minor girl. Her School Leaving Certificate shows that she was born on 26.4.2000. The informant filed petition before the Collector for examination of the victim by a medical Board.

On consideration of the fact, it appears that according to the School leaving Certificate, the victim was admitted in the School in year 2006 in which her date of birth is mentioned as 26.4.2000 and the victim appears to be minor on the date of the occurrence. Of course, the victim has stated that she solemnized marriage with the petitioner and started living in his house. .

Since, the victim was minor on the date of the occurrence, I am not inclined to enlarge the petitioner on anticipatory bail and accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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