

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4268 of 2016

Arising Out of PS.Case No. -138 Year- 2015 Thana -MANIHARI District- KATIHAR

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Nageshwar Sah @ Nago Sah Son of Arjun Sah, resident of Village-
Baghmara, P.S.- Manihari, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-03-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Manihari P.S. Case No. 138 of 2015 registered for the offences
punishable under Sections 363 and 366A of the Indian Penal
Code.

Allegedly, Piro Kumari aged 15 years, the daughter
of the informant, was kidnapped by Munna Kumar Shah @
Vikki and 3-4 unknown by Bolero vehicle. During
investigation, the victim girl was released and she gave her
statement recorded under Section 164 of the Code of Criminal
Procedure wherein she has stated that Munna Kumar Shah and
the petitioner boarded her forcibly in Scorpio and brought her in

Katihar and got married her with Munna Kumar Shah and further, the petitioner and others also teased her.

Submission is of false implication and that against the petitioner, there is no specific allegation, without any legal and cogent material, the petitioner is suffering in custody since 05.10.2015, the victim was having love affair with Munna Kumar Shah and she performed marriage with him out of her own sweet will but under pressure of her family members, she implicated the petitioner also in her statement recorded under Section 164 of the Code of Criminal Procedure the Doctor has found her age between 16-17 years, and as such, the petitioner deserves sympathetic consideration, to which the learned APP opposes.

In the facts and circumstances stated above, considering that the victim girl has safely been released and further, she has not complained regarding sexual assault, and as such, 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, Katihar in connection with Manihari P.S. Case No. 138 of 2015, 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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