

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4168 of 2016

Arising Out of PS.Case No. -17 Year- 2015 Thana -WEST CHAMPARAN GRP CASE District-
WESTCHAMPARAN(BETTIAH)

1. Munna Yadav @ Munna Kumar Rai @ Munna Rai S/o Late Jalim Rai, of
Village- Ekdari, P.S.- Chhauradano, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

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

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 30-01-2016 Heard learned counsels for the petitioner and
the State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Section
366A of the Indian Penal Code.

The accusation is of abducting the minor
daughter of the informant.

It is submitted by the learned counsel for the
petitioner that in 164 Cr.P.C. statement the victim got her
age recorded as 21 years when the court assessed her age
as 18 years whereas as per medical opinion the victim
was found between 17-19 years of age. Medical report



does not suggest any injury, particularly on private part of the victim and she is carrying sixteen weeks pregnancy. In 164 Cr.P.C. statement the victim stated that she of her own married with the petitioner. It is further submitted that in pursuance of 164 Cr.P.C. statement, the learned court below ordered for release of the victim in favour of her inlaws.

It is submitted by learned counsel for the informant that though the petitioner is not named in the FIR but as per matriculation certificate the victim was found to be 16 years of age on the alleged date of occurrence and the police maliciously got 164 Cr.P.C. statement of the victim recorded.

Considering the 164 Cr.P.C. statement of the victim, the age of the victim assessed by the court and the medical board and the claim of the victim that she got married with the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial

Magistrate, Bettiah, West Champaran in connection with
Sugauli Rail P.S. Case No. 17 of 2015 subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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