

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11927 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -BARSOI District- KATIHAR

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1. Birbal Sharma S/o Eksath Sharma R/o village - Rahmanpur, O.P.
Sudhani, P.S. Barsoi, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Smt. Asha Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 17-03-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A/34 of the Indian
Penal Code.

The victim has been recovered and her statement
under Section 164 of the Cr.P.C. has already been recorded. The
victim was found minor at the time of alleged occurrence and
stated that it was petitioner who took her from her house but she
admitted that she had been kept in the house of her relative who
informed her parents and after that her parents along with police
came there and recovered her.

Contention on behalf of the petitioner is that the

purpose of so-called kidnapping has not been disclosed and, therefore, at best, a case under Section 363 of the Indian Penal Code is made out.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that charge sheet has already been submitted and further detention of the petitioner in the present case is not warranted, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Barsoi P.S. Case No. 209 of 2015.

(Hemant Kumar Srivastava, J)

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