

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15062 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -SAHARSA District- SAHARSA

Manish Kumar, Son of Anant Sah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 12-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

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

The victim was recovered on the day of her so-called
kidnapping and her statement was recorded under Section 164 of
the Cr.P.C. in which she specifically stated that she had gone to
the rented room of the petitioner by her own sweet will. Although,
she stated that petitioner established physical relation with her but
she admitted that petitioner had not applied any force on her and,
therefore, the aforesaid statement of victim goes to show that she
was a consenting party. No doubt, victim was minor at the time of

alleged occurrence but neither petitioner appears to have pressurized her to go outside the custody of her guardian nor to establish physical relation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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, Saharsa in connection with Saharsa Sadar P.S. Case No. 85 of 2016.

(Hemant Kumar Srivastava, J)

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