

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42473 of 2016

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1. SUBHASH KUMAR SAH @ SUBHASH SAH S/O Saturghan Sah
 Resident of Village- Harpur, P.S. Piprahi, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II

For the Opposite Party/s Mr. R.P.S. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 23.11.2016

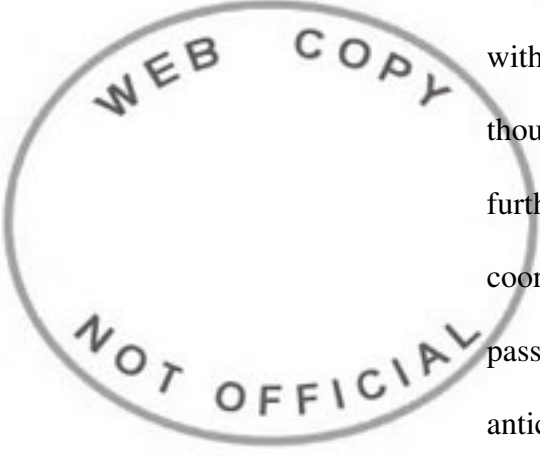
Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

The present case i.e. Parsauni P.S. Case no. 22/2016 has been registered for the offences punishable under sections 363, 364 and 366A/34 of the Indian Penal Code on the basis of complaint petition filed by the informant. Petitioner being accused in the above stated case apprehends his arrest.

The accusation against the petitioner is that he along with others kidnapped the informant's minor daughter on 20.11.2015.

Submission on behalf of the petitioner is that prior to filing of the complaint case, informant lodged Parsauni P.S. Case no. 93/2015 against the petitioner for the offences punishable under sections 363 and 366A/34 of the Indian Penal Code levelling allegation of kidnapping of her minor girl. In the aforesaid case, victim was recovered and her statement under



section 164 Cr.P.C was recorded. The victim, specifically, stated in her statement that she had solemnized her marriage with the petitioner. The victim disclosed her age as 20 years though learned Magistrate has assessed her age as 16 years. It is further submitted that taking note of the aforesaid fact, a coordinate bench of this court vide order dated 19.01.2016 passed in Cr. Misc. no.56785/2015 granted privilege of anticipatory bail to the petitioner in Parsauni P.S. Case no. 93/2015. It is also submitted that when the petitioner got bail in the aforesaid case, informant lodged the present case with false story and, as a matter of fact, victim was found missing from the house of the informant itself because she has admitted in her complaint petition that when the victim was recovered in Parsauni P.S. Case no. 93/2015 the court handed over victim to her.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Parsauni P.S. Case no. 22/2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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