

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6346 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -PATRAKARNAGAR District- PATNA

1. Dharmendra Mistry, aged about 23 years, son of Shri Suresh Prasad Vishwakarma, resident of Mohalla- Yogipur, P.S.- Patrakar Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Ranjan

For the Opposite Party/s : Mr. J.N. Thakur (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-02-2016 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the petition.

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 363 and 365/34 of the Indian Penal Code.

The prosecution case is of abducting the daughter of the informant Rinki Kumari by forcefully taking her on a motorcycle. The victim in 164 Cr.P.C. statement failed to get her age recorded whereas the court assessed her age as 18 years where she stated that she was being taken forcefully by the petitioner

being her neighbour and kept her in Bihar Sharif on the road whole night. In the morning the victim raised alarm then this petitioner escaped from the scene and thereafter the informant returned.

It is submitted by the learned counsel for the petitioner that 164 Cr.P.C. statement suggests that she of her own went in the company of this petitioner as it appears unreasonable that the petitioner who was driving motorcycle had forced her to sit as a pillion rider when she did not raise any alarm on the way.

Considering the unreasonableness of the accusation, particularly, levelled by the victim, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Patrakar Nagar P.S. Case No. 212 of 2015 pending in the court of learned JM Ist Class, Patna.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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