

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7242 of 2016

Arising Out of PS.Case No. -194 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

Abhishek Kumar, S/o Sri Avinash Rai, resident of village and P.O. Jandaha, P.S. Jandaha, District - Vaishali at Hajipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anish Chandra(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-05-2016

Heard learned counsel for the petitioner, learned

APP for the State as also learned counsel appearing on behalf of the informant.

Petitioner apprehends arrest in connection with Jandaha P.S. Case No. 194/15 for offence alleged under Section 364/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on 23.09.2015 at about 5.00 A.M. daughter of the informant aged 13 years had gone to worship and when she reached near Ramjan temple campus, petitioner along with others forcefully kidnapped her and took her away on Scorpio.

It has been submitted by the learned counsel for the petitioner that he is innocent and has not committed any overt

act nor the victim girl has named him. He submits that the petitioner is a next-door neighbour and presently doing I.T.I training from Jagdish Nagar, Mahnar.

However, learned counsel for the informant submits that the petitioner is named in the First Information Report and the victim girl though has been stated to be of 13 years in the First Information Report but on medical examination she has been found to be of about 17 years and although she has not named the petitioner but from paragraph 49 of the case diary it appears that on oral instructions the A.S.I. talked with the victim girl and the victim girl has disclosed the name of the petitioner. It has further been submitted that the petitioner is an accused in as many as nine cases of theft and robbery, which is evident from paragraph 3 of this application and being a dreaded criminal the victim girl may not have named the petitioner in her statement under Section 164 Cr.P.C.

Learned APP for the petitioner, however, submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Since the petitioner is named in the First Information Report and the victim girl, although, in her statement under Section 164 Cr.P.C. has not named the petitioner, but in her

examination by A.S.I. Jyoti Kumari she has disclosed the name of the petitioner and the petitioner being accused in many cases, as is evident from paragraph 3 of this petition, let petitioner surrender in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 194/15 within a period of six weeks from today and apply for regular bail, which will be considered on its own merit and in view of the statement of the victim girl under 164 Cr.P.C. preferably on the same day.

(Nilu Agrawal, J.)

Rajesh/-

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