

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17669 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Gopi Kumar @ Mritunjay Kumar S/o Late Arvind Yadav, Resident of
village- Gaura Shakti, P.S.- Muffasil, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party : Mr. Murlidhar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2016

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in connection with
Khagaria (Muffasil) Case No. 39 of 2016 for the offence
punishable under Section 366(A)/34 of the Indian Penal Code.

The Prosecution case is that on the basis of written
petition of the informant Manoj Kumar against this petitioner and
co-accused wherein it has been mentioned that on 18.01.2016 Juli
Kumari, the daughter of the informant was going to Khagaria
market to purchase books but did not return. The informant made
hectic search of his daughter and during such course he came to
know that the petitioner has kidnapped the daughter of the
informant with intention to marry with his daughter.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has committed no offence as
made out in the FIR and the victim Juli Kumari in her statement

under Section 164 Cr.P.C. before the Magistrate whose age was assessed to be 19 years has stated that on her own will she had gone with the petitioner and have since married the petitioner. In her statement she further submits that she is 19 years of age and she has not been kidnapped. Hence, from the statement of the victim Juli Kumari no case under section 366(A)/34 of Indian Penal Code is made out against the petitioner.

However, the learned APP for the State submits that petitioner is named in the FIR wherein age of the victim has been mentioned as 17 years hence, opposes the prayer for bail.

Be that as it may, since the Magistrate has assessed the age as 19 years in the statement of the victim girl under Section 164 Cr.P.C. who had stated that she married the petitioner out of her own will, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 39 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Rajiv/-

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