

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43318 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -DAGARUA District- PURNIA

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Md. Dilkash Son of Md. Shakir Resident of Village Chhapraili P.S.
Dagarua, District Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal

For the Informant : Mr. Sachidanad Karv

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 02-12-2016 Heard both sides.

The petitioner prays for grant of anticipatory bail in
Dagarua P.S. Case No. 89 of 2016 registered under Sections 363,
366(A) of the Indian Penal Code.

In substance, the allegation is that the minor daughter of
the informant was abducted/kidnapped by the petitioner and his
other family members. The victim girl on retrieval made
statement under Section 164 of Cr.P.C. (annexure-2), wherein
allegation has been attributed to the petitioner.

Contention of the petitioner is that the victim girl was
medically assessed between 17-18 years. She has attained the age
of understanding.

Learned counsel for the informant, on the other hand,



referring to the averments made in the FIR as well as the statement of the victim made under Section 164 of Cr.P.C. submits that she has disclosed her age well under 16 years of age. There is allegation of having sexually assaulted her also against the petitioner.

Looking to the materials on record, I am not persuaded to extend him the privilege of anticipatory bail. The prayer is rejected.

(Kishore Kumar Mandal, J)

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