

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51510 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Raj Kumar Sharma, S/o Sitaram Sharma, R/o Village- Karatwa, P.S.-
Kusheshwar Asthan, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Abdus Shakoor, Advocate

For the Opposite Party : Mr. Parmanand Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-12-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and also learned counsel for the State.

The petitioner apprehends his arrest in connection
with Kusheshwar Asthan P.S. Case No. 87 of 2016, registered for
the offences punishable under Sections 363 and 366A/34 of the
Indian Penal Code.

Allegedly, the minor daughter of the informant was
kidnapped by the petitioner and others and during investigation
victim girl appeared and her statement recorded under Section 164
of Cr.P.C., wherein she has stated her age as 18 years and the
learned Magistrate has recorded her age as 17 years wherein she
has denied regarding her kidnapping and has stated that she went
out of her own sweet will and she wants to live with the petitioner.



Submission is of false implication and that the victim girl after recovery in her statement recorded under Section 164 of Cr.P.C. has not alleged regarding her kidnapping and, as such, no offence under the aforesaid sections is made out and now petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the victim girl is minor aged about 13 years which is evident from School Certificate of Class 6th.

In the facts and circumstances as stated above, considering the statement of the victim girl recorded under Section 164 Cr.P.C., the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biroul, District- Darbhanga, in connection with Kusheshwar Asthan P.S. Case No. 87 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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