

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35734 of 2016

Arising Out of PS.Case No. -151 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

=====

Kamlesh Ram Son of Sri Niwas Ram R/o Village Darauli, P.S. Kandawa,
District Chandauli (U.P.)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 23-09-2016

Heard both sides.

The petitioner apprehends his arrest in Durgawati
P.S. Case No.151 of 2016 under Section 366(A)/34 of the Indian
Penal Code.

The father of the victim made allegation that on
9.6.2016, his daughter had gone to attend the call of nature along
with her mother but Akhilesh Ram, Sri Niwas Ram, Shymli Devi,
Kamlesh Ram (petitioner), village Darauli, P.S. Kandawa, District
Chandauli (U.P.) and Munna Ram came on a Bolero and
kidnapped his daughter at the point of gun.

Learned counsel for the petitioner submits that the
occurrence took place on 9.6.2016 but the F.I.R. was lodged on
12.6.2016. The informant claimed to be eye witness of the
occurrence. The falsity of the case became clear when the victim

made her statement under Section 164 of the Cr.P.C. after 17 days of the occurrence on 27.6.2016. The victim stated that the petitioner called her on a mobile and asked her to come so that she may be married with Akhilesh Ram but the petitioner slapped her and brought her to Mohania Station where 4-5 unknown persons were in a train. She somehow fled at railway station and went to Harayana. The story itself shows that victim made the petitioner as accused because the petitioner being the elder brother of Akhilesh Ram did not want that his brother solemnized marriage with victim. It appears that the victim has stated a different story in her statement under Section 164 of the Cr.P.C.

Considering the facts aforesaid, the petitioner above named is directed to be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of four weeks from today, 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, Kaimur at Bhabua in connection with Durgawati P.S. Case No.151 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

N.H./-

U		T	
---	--	---	--