

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50654 of 2016

Arising Out of PS.Case No. -363 Year- 2016 Thana -NAWADA District- NAWADA

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Indrajeet Patel, son of Shailendra Prasad, Resident of Village- Itorra, P.S.
Manpur, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Verma, Advocate.

For the Opposite Party : Mr. S. Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2016 Learned counsel for the petitioner is permitted to make
necessary correction in paragraph no. 1 of the bail application.

A supplementary affidavit has been filed on behalf of
learned counsel for the petitioner. The same may be kept on the
record.

Heard learned counsels for the petitioner, informant and
learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Nawada P.S. Case No. 363 of 2016 for the offences instituted
under Section 366(A) of the IPC.

The prosecution story, in brief, is that Rema Kumari, the
sister of the informant, had gone to market to purchase domestic
articles in the evening on 22.06.2016 and she did not return. On



23.06.2016 in the evening, two mobile phone threats were given that the girl has been kidnapped and the informant is free to take serious action and abused the informant. On enquiry, it was found that this petitioner and co-accused Abhinash Kumar are involved in the occurrence of kidnapping.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. Vide Annexure-1 to the supplementary affidavit, the petitioner has brought on record the Admit Card of the victim girl issued by the Secretary, Bihar School Examination Board, Patna. The said Admit Card bears the photograph of the victim. It has been submitted on behalf of learned counsel for the petitioner that the petitioner has married with the victim girl. As per the Admit Card, the date of birth of the victim girl is 01.05.1998 and the on the alleged date of occurrence she was 18 years and two months. Hence, on the alleged date of occurrence, the victim girl was major. Vide Annexure-2 to the main application, an affidavit sworn by the victim girl herself admitting her marriage with this petitioner has also been filed. It has further been submitted that the victim girl is residing with the petitioner and she is present in the Court. She was called upon by



the Court where she has stated that she has got married with the petitioner and wants to reside with him. It is further submitted on behalf of learned counsel for the petitioner that a malafide prosecution has been brought against him only with an intention to harass the petitioner and his legally wedded wife (victim).

On behalf of the learned counsels for the State and the informant, it has been submitted that though the petitioner does not deny the identity of the victim nor they controvert the statement made by the victim in the Court.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Nawada P.S. Case No. 363 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure

U.K./-

(Sudhir Singh, J)

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