

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38236 of 2016

Arising Out of PS.Case No. -175 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Raju Ram S/o sonalal Ram, resident of Village- Bhagirathpur, P.S
Kalyanpur, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 20-09-2016

Heard Sri Mukesh Kumar No.1, learned counsel for
the petitioner and Sri Pawan Kumar Chaurasiya, learned Addl.
Public Prosecutor.

The sole petitioner, who is named as accused in the
F.I.R., has prayed for grant of bail, in the event of his arrest or
surrender, in Bettiah (Town) (Kalibagh O.P.) P.S. Case
No.175/2016 registered for the offence under Sections 363, 366A
and 504 of the Indian Penal Code.

It was submitted by learned counsel for the
petitioner that it is true that in the F.I.R., the informant has alleged
that the petitioner was working as labourer in relation to
construction of the house of the informant and he abducted his
minor girl aged about 13 years. However, during investigation, the



statement of victim girl was got recorded under Section 164 of the Code of Criminal Procedure and in her statement the victim has disclosed two important facts. He submits that firstly the victim has disclosed her age as 19 years, which was also assessed by the learned Magistrate. Secondly, in her statement, she has categorically stated that she was never kidnapped and she had voluntarily gone with one Sonu Kumar Srivastava and solemnized marriage with him. Learned counsel for the petitioner has placed reliance on Annexure-2 to the supplementary affidavit filed on 17th September, 2016, which is a photo copy of the certified copy of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner.

However, keeping in view the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, as per Annexure-2 to the supplementary affidavit as well as the age disclosed by the victim girl in her statement, the Court is satisfied that it is fit case for grant of anticipatory bail. Accordingly, let the petitioner, namely, Raju Ram , in the event of his arrest or surrender within six weeks from today, 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, Bettiah in connection with Bettiah (Town)(Kalibagh O.P.) P.S. Case No.175/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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