

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.193 of 2016

Arising Out of PS.Case No. -562 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Mohan Yadav @ Mohan Rai, S/o Sri Ram Sakal Rai, Resident of
Muhalla- Riga Road, Naya Tola, Ward No.-1, P.S.- Sitamarhi, District-
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Arun Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 06-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
323,363,366A,376,149,506 and 120B of the Indian Penal Code.

The prosecution case is of kidnapping the minor sister
of the informant namely Amrita Kumari by the petitioner and one
Chandrakala Devi. Subsequently, both of them sold the victim to
co accused Bablu Yadav and Pramod Yadav when the sister of the
informant was ravished.

It is submitted by the learned counsel for the petitioner
that in 164 Cr.P.C. statement the victim got her age recorded as 20
years whereas the court assessed her age as 18 years where she

stated that she was being abducted by Bablu and Chandrakala Devi (non-petitioners). The victim was forced to marry in a temple with Babloo but subsequently Babloo, Ram Pramod Rai, Chandan Rai and Bhushan Rai ravished her. Hence, it is submitted that the victim has not named the petitioner thought he petitioner is the neighbour of the victim. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the petitioner has not been named by the victim, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve 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 CJM, Sitamarhi in connection with Sitamarhi P.S. Case No.562 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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