

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3465 of 2016

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1. Arjun Kumar @ Arjun Paswan son of Surendra Paswan
resident of village - Kataha, P.S. - Muffasil, District - East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra
Verma

For the Opposite Party/s : Mr. Dashrath Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-02-2016

The present application has been filed for
modification of the order dated 10.11.2015 passed in Cr. Misc.
No. 51487 of 2015 for extending the period of surrender.

The accusation is of kidnapping the minor
daughter of the informant.

On submission of the learned counsel for the
petitioner that victim is major and has performed marriage with
the petitioner of her own and she would be produced before
learned Court below on 1st of December, 2015 for recording her
statement, the petitioner was directed to be released on
provisional anticipatory bail for a period of one month when the
provisional bail of the petitioner was to be confirmed by learned
Court below on admission of the victim girl to the effect that
she married with the petitioner of her own but in case of denial
of marriage with the petitioner, the petitioner was to surrender
and pray for regular bail.

It is submitted by learned counsel for the petitioner that the petitioner could not surrender and availed the provisional bail for one month but the statement of the victim girl was recorded on 04.12.2015 where she got her age recorded as 21 years whereas Court below assessed as 19 years where she stated that she of her own married with the petitioner and none kidnapped her.

In view of the statement recorded under Section 164 Cr.P.C of the victim girl contained in Annexure-2, the order dated 10.11.2015 passed in Cr. Misc. No. 51487 of 2015 is modified to extent that, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 4 weeks from today, be released on anticipatory 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, East Champaran at Motihari in connection with Muffasil P.S. Case No. 196 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, subject to the condition that one of the bailors will be the victim girl.

Accordingly the modification application is disposed of.

(Dinesh Kumar Singh, J)

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