

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15112 of 2016

Arising Out of PS.Case No. -149 Year- 2015 Thana -MUSRIGHARARI District- SAMASTIPUR

Vijay Rai @ Vijay Kumar son of Ram Sewak Rai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Smt. Sucheta Yadav (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363, 366A and 120B/34 of the Indian Penal Code.

The prosecution case is that on 04.12.2015 at 2 AM in the night, the daughter of the informant Sharmila Kumari along with her mother went to ease when the petitioner, co-accused Raju Rai and two unknown persons abducted her.

It is submitted by learned counsel for the petitioner that though the petitioner is named in the FIR but in 164 Cr. P.C. statement, the victim has not named the petitioner in spite of the fact she was with her mother when she was abducted and mother of the victim has named the petitioner. In 164 Cr. P.C. statement, the victim got her age recorded as 13 years when the court

assessed her age as 14 years where she stated that she was abducted by Raju Rai who performed marriage with her in a temple, ravished her and thereafter she was left at Samastipur Bus Stand. It is further submitted that for the occurrence of 04.12.2015, the FIR was registered on 06.12.2015. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the victim in her 164 Cr. P.C. statement has not named the petitioner and the thrust of accusation against co-accused Raju Rai, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Samastipur in connection with Musarigharari P.S. Case No. 149 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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