

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15800 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -MAJHAHGARH District- GOPALGANJ

Satyendra Sahani Son of Sri Ram Sahani Resident of Village - Baluhi
Bazar, P.S.- Manjhagarh, District - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Madan Kumar (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Manjhagarh P.S. Case No. 4 of 2016 registered for the
offences punishable under Sections 363, 366(A) of the Indian
Penal Code.

The prosecution case is that on 10.01.2016 at about
11:30 A.M. while the niece of the informant, namely, Shabana
Khatoon was working at her home, Jitendra Sahni and his
daughter, Bulbul Kumari came and took her towards field from
where petitioner took away his niece on Glamour motorcycle.
It is further stated that in spite of search, she could not be
found.



It has been submitted by the counsel for the petitioner that petitioner is innocent and has been falsely implicated in the aforesaid case. He further submits that although the alleged date of occurrence is 10.01.2016, but the First Information Report has been lodged after much delay on 12.01.2016, which arouses suspicion and there is no explanation given in the First Information Report for such delay. He further submits that the medical report specifies that the victim is aged about 18 or 19 years, although in her statement under Section 164 Cr.P.C., her age has been recorded as 14-15 years. The statement of the victim girl under Section 164 of Cr.P.C. that after two days the petitioner left her on the bus stand also raises suspicion.

However, learned A.P.P. for the State submits that the victim girl has named the petitioner in her statement under Section 164 Cr.P.C. Petitioner is also named in the First Information Report, hence, prayer for bail has been opposed.

Be that as it may, since delay in lodging of FIR and statement of victim girl under Section 164 Cr.P.C. raises suspicion, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on

furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 4 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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