

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17658 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -MADHEPUR District- MADHUBANI

1. Pankaj Kumar Son of Ghaghru Ram, Resident of Village - and P.S. - Madhepur, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhepur P.S.Case No. 44/2015 registered for offence punishable under Section 363, 366(A)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant Chandar Narain Mahto to the S.H.O., Madhepur on 26.05.2015 that his daughter, Sarita Kumari was called out by the petitioner and some unknown persons from the house from mobile, and forcibly kidnapped his daughter and fled away by motorcycle. After searching the victim by her father, she could not be traced.

It has been submitted by the learned counsel for the petitioner that he is innocent having clean antecedent and no case

under Section 363, 366(A)/34 of the I.P.C. is made out against him. Learned counsel for the petitioner further submits that the age of the victim Sarita Kumari has been assessed by the Medical Board as of 19 years and even her statement under Section 164 Cr. P. C. does not suggest or point out that it was a case of kidnapping or any overt act has been committed by the petitioner.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, District- Madhubani in connection with Madhepur P.S.Case No. 44/2015 (G.R.No. 837/2015), subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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