

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37956 of 2016

Arising Out of PS.Case No. -189 Year- 2015 Thana -RAJAULI District- NAWADA

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1. Vivek Sharma Son of Chotelal Sharma resident of Village- Hardiya
Sector-B, P.S.- Rajauli, District- Nawada. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Rajauli P.S.
Case No. 189 of 2015 registered for the offences punishable under
Sections 363 and 365 of the Indian Penal Code.

Allegedly, the daughter of the informant was kidnapped by
the petitioner and other FIR named accused persons.

Submission is of false implication and that the victim has
been recovered and her statement has been recorded under Section
164 Cr.P.C. wherein she has denied regarding her kidnapping and
has stated that she went with Kundan Mishra out of her own
sweet will and she is living with him and her age has been
assessed as 19 years and as such she being major no offence as
alleged is made out against the petitioner. The statement of the
victim recorded under Section 164 Cr.P.C. has been annexed at

annexure-2.

Learned APP fairly submits that the victim in her statement under Section 164 Cr.P.C. has not supported the allegation of her kidnapping.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 189 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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