

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27116 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -MANSAHI District- KATIHAR

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Fakir Bhuiyan son of Suresh Bhuiyan resident of village - Argara Chandpur,
P.S. Manasahi, District - Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 04-07-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 366
and 366A of the Indian Penal Code.

The prosecution case is abducting the
minor daughter of the informant, Joshan Khatoon by the
petitioner.

In 164 Cr.P.C. statement the victim has got
her age recorded as 25 years when the learned Magistrate
assessed her as 20 years, though, as per the medical opinion the
victim was found between 18 to 19 years. The medical opinion
does not suggest any injury to the informant particularly on the

private part.

It is submitted by learned counsel for the petitioner that in 164 Cr.P.C. statement the victim has stated that she was in love with the petitioner and she of her own went in the company of the petitioner to Katihar and married with the petitioner as per Muslim rituals. The 164 Cr.P.C. statement of the victim has been brought on record as Annexure-2. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the 164 Cr.P.C. statement of the victim girl, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Katihar in connection with Mansahi P.S. Case No. 13 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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