

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33530 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -GARKHA District- SARAN

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Dhiraj Chaudhary son of Mewa Lal Chaudhary, R/o village- Mirepur, P.S.-
Garkha, District- Saran Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-08-2016

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

Petitioner apprehends his arrest in connection with
Garkha P.S. Case No. 90 of 2016 registered for the offence
punishable under Sections 366A/34 of the Indian Penal Code.

Allegedly, Neha Kumari the grand daughter of the
informant was kidnapped by co-accused Ravi Ranjan Sharma and
the petitioner. During investigation the statement of Neha Kumari
was recorded under Section 164 Cr.P.C. also wherein she has
denied the allegation of kidnapping and has stated that she went
with the petitioner out of her own sweet will and consent and she
married with the petitioner on 6th March at Jalandhar in a temple
and further performed court marriage on 14th March. She has
stated her age 18 years though the learned Magistrate has assessed
her age 17 years.

Submission is of false implication and that the victim girl went with the petitioner out of her own sweet will and consent and as such no offence as alleged is made out.

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

In the facts and circumstances stated above, the petitioner above named, in case of his surrender or arrest within one month from the date of receipt/production of a copy of this order, shall 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 V, Saran at Chapra in connection with Garkha P.S. Case No. 90 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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