

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35966 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -MANSI District- KHAGARIA

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1. Arvind Kumar son of Rajaram Singh resident of village Ekaniya, P.S. Mansi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case is that on 30.3.2016 at 7 P.M. the minor daughter of the informant went at the shop to get the mobile recharged but from there she went traceless. Subsequently, the informant learnt that the petitioner Arvind Kumar, co accused Vikram Kumar, Dharendra Kumar and Nitish Kumar have abducted the daughter of the informant.

It is submitted by the learned counsel for the petitioner that the petitioner was in love with the daughter of the informant. She went in the company of the petitioner of her own and has



performed marriage. Marriage certificate issued by Sri Sri 108 Chandi Asthan Religious Trust Board, Munger has been brought on record. During the medical examination the daughter of the informant has been found aged between 17 to 18 years. The medical report is Annexure 2 but her statement under section 164 Cr.P.C. was recorded on 12.5.2016 wherein she has stated that she was being abducted by the petitioner, Vikram, Dharmendra and Rajiv alias Jiva and thereafter the petitioner ravished her and took her signature on the plain paper. The petitioner kept the victim girl in Ludhiana for a month and from there she escaped and came back home.

It is further submitted that 164 Cr.P.C. statement suggests that subsequently at the pressure of the family members she retracted from the actual fact that she was in love with the petitioner.

Learned counsel for the informant submits that the thrust of accusation is against the petitioner whereas the co accused Vikram who facilitated the commission of crime, has been denied anticipatory bail vide Cr. Misc. No. 33263 of 2016.

Though the medical report, the marriage certificate and the inconsistent stand taken by the victim in 164 Cr.P.C statement do not support the accusation but keeping in view the fact that

the co accused with lesser accusation has been denied anticipatory bail, this court is not inclined to grant anticipatory bail to the petitioner. Let the learned court below consider the prayer for bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Mansi P.S. Case No. 62 of 2016 pending in the court of learned C.J.M. Khagaria.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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