

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37550 of 2016

Arising Out of PS.Case No. -865 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Amresh Kumar Yadav Son of Birendra Rai resident of Village- Dhanha, Pakaria, P.S.- Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, AP.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-09-2016 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends arrest in connection with Sitamarhi P.S.Case No. 865/2015 for offences alleged under Sections 363 and 366 (A) of the Indian Penal Code.

The prosecution case as lodged by the informant Sabita Devi is that after the death of her husband, she was appointed as teacher in a Government School on compassionate ground and for education of her children, her children are living in Sitamarhi Town in her residential house at Mela Road. On 29.10.2015 her daughter Sujata @ Ankita Swaraj, aged 17 years suddenly was missing and on hectic search, she could not be found and the informant learnt that Amresh Kumar Yadav (petitioner)

took away her daughter with bad intention.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the victim girl, Sujata @ Ankita Swaraj has deposed under Section 164 of the Cr. P. C. before the learned Magistrate stating her age to be 18 years, although the Magistrate has noted her age as 17 years. He submits that in the School Leaving Certificate, which is also Annexure-3, her date of birth is 05.12.1997 stated to be 18 years and as such she is major. He submits that even the Medical Board could not ascertain her age as she was pregnant and at that time X-ray could not be done during pregnancy and the victim girl delivered a baby child on 01.07.2016. It is also submitted that she is living peacefully with the petitioner as husband and wife. He submits that even in her deposition under Section 164 of the Cr. P.C., she has not alleged any offence against the petitioner.

However, learned APP for the State Submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has deposed under Section 164 of the Cr. P. C. that she is living with the petitioner as husband and wife and her age at the time of

deposition was 17 years as noted by the learned Magistrate and also her age could not be ascertained by the Medical Board on account of pregnancy and she has delivered a child of the petitioner, 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 bond of Rs. 10,000/-(Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S.Case No. 865/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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