

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3724 of 2016

Arising Out of PS.Case No. -19 Year- 2015 Thana -HABIBPUR District- BHAGALPUR

1. Md. Naushad, Son of Md Salim, Resident of Village- Amarpur, P.S.-
Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha

For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2016 Heard learned counsels for the petitioner and the State.

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

The prosecution case is of abducting the minor daughter of the informant. In 164 Cr.P.C. statement the victim got her age recorded as 16 years when the court assessed her age as 15 years though as per medical opinion the victim was assessed between 17-19 years old. In 164 Cr.P.C. statement the victim stated that co accused Babar, Amir, Rinku and this petitioner abducted her and took her to railway station Sabaur and from there she went in the company of co accused Babar to Malda and at Malda the victim was ravished by Babar.

It is submitted by the learned counsel for the petitioner that the medical opinion does not suggest any physical injury or resisting injury. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the thrust of accusation against co accused Babar and there is no resisting injury found on the person of the victim, 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Bhagalpur in connection with Habibpur P.S. Case No. 19 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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