

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11394 of 2016

Arising Out of PS.Case No. -271 Year- 2015 Thana -MANIGACHI District- DARBHANGA

1. Santosh Das Son of Shyam Das resident of village - Lahta, P.S. Manigachi, District - Darbhanga.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. B. N. Pandey, (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Manigachi P.S. Case No. 271 of 2015 registered for the offences punishable under Sections 366, 366A/34 of the Indian Penal Code.

Allegedly, Nidhi Kumari aged 13 years, the daughter of the informant was kidnapped by the petitioner and other co-accused. During investigation the statement of the victim girl was recorded under Section 164 Cr.P.C. wherein she has supported the allegation of kidnapping by the petitioner and others but she has stated that the petitioner did not do any illegal work with her.

Submission is of false implication and that there was love affairs between the petitioner and the victim which has come in paragraph 68 of the case diary, the victim under pressure of her guardian has supported the allegation of kidnapping, the doctor

has found her age 14-15 years and the petitioner is suffering in custody since 19.11.2015.

Learned APP fairly submits that the victim has not made any allegation regarding sexual harassment.

In the facts and circumstances stated above, the petitioner above named is directed to 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 2nd Assistant Sessions Judge, Darbhanga in connection with Manigachi P.S. Case No. 271 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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