

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8213 of 2016

Arising Out of PS.Case No. -530 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

Ratnesh Kumar, son of Asarfi Rai, resident of Village Bhadbas, P.S. Mahua, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. P.K.Chaurasia, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-02-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Mahua P.S. Case No.530/15 for offences alleged under Sections
363 and 366(A)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
who is mother of the victim, is that on 01.11.2015 at 9.00 P.M. the
daughter of the informant, namely, Anjani Kumari, aged about 17
years had gone behind her house for some essential work. In the
meantime, the accused persons, namely, Ratnesh Kumar
(petitioner), Alok Kumar and Subodh Kumar Mahto enticed her and
took her on two motorcycles with intention of marriage. Accused
Indu Devi had also her hands in enticing the informant's daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence. The real fact is that the petitioner and the informant's daughter were in love with each other. No overt act has been alleged against the petitioner and the petitioner has no criminal antecedent, as is evident from paragraph 3 of this petition. Learned counsel for the petitioner further contends that in the statement of the victim girl recorded under Section 164 Cr.P.C. there is no allegation of any sexual assault.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 530/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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