

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21245 of 2016

Arising Out of PS.Case No. -323 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

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Devendra Kumar son of Deo Nandan Prasad Resident of Village- Bakraur,
Police Station- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh No.- 1 (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-08-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Mofassil P.S. Case No. 323 of 2014 registered for the offence
punishable under Section 366A of the Indian Penal Code.

The prosecution case, in brief, is that the victim
girl was residing in the house of the informant, who is her
maternal uncle. It is alleged that on 10.07.2014 the informant went
to school and his wife went to receive her children from the school
and when she returned home, she did not find the victim in the
house. Thereafter, she informed the informant about the incident.
Informant while searching her, came to know that petitioner had
taken away the victim.

It has been submitted by the learned counsel for



the petitioner that petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner belongs to a respectable family and has no criminal antecedent, as is evident from paragraph 3 of this application. He states that the informant has entered into compromise with the petitioner as the victim girl is residing with the petitioner as husband and wife and the said compromise petition has been signed by the victim girl, the petitioner and the informant, which is Annexure-2 to this application.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

In the aforesaid circumstances, let the petitioner and the victim girl appear before the learned Chief Judicial Magistrate, Gaya in connection with Mofassil P.S. Case No. 323 of 2014 within a period of eight weeks from today whereafter learned Court below will record the statement of the victim girl and if the victim girl accepts the compromise petition, the learned Court below will dispose of the application so filed by the petitioner taking into account the statement of the victim girl on its own merit in accordance with law.

Till disposal of the application filed by the petitioner

in the learned Court below, let no coercive steps be taken against the petitioner in the aforesaid case.

With the aforesaid observation, this application is disposed of.

(Nilu Agrawal, J.)

Arjun/-

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