

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35609 of 2016

Arising Out of PS.Case No. -260 Year- 2015 Thana -BHAWANIPUR District- PURNIA

=====

Shivanandan @ Shivam Mukhia @ Shivanandan Mukhia, S/o Ramchandra Mukhiya, Resident of village Durgapur (Puwari Tola) P.S. Bhawanipur, Distt. Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Shobha Nath Jha

For the Opposite Party/s : Mr. S. Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 24-11-2016

Heard both sides.

Petitioner seeks bail in Bhawanipur P.S. Case No. 206 of 2015 under Sections 363 and 366(A) of I.P.C.

The informant alleged that his daughter, aged about 14 years, had gone to see the marriage of his neighbour, but she did not return. On inquiry from one Palvi Kumari, she disclosed that the victim had already returned, but victim was traceless. The informant suspected that the petitioner kidnapped his daughter.

Learned counsel for the petitioner submits that the victim made her statement under Section 164 Cr.P.C. and she disclosed the name of the petitioner, but from the perusal of the statement of the victim, it would appear that the victim was a consenting party and she went along with the petitioner out of her

free will as she did not resisted anywhere. The petitioner solemnized marriage with the victim.

On the other hand, learned A.P.P. vehemently opposed the prayer of bail and submits that victim is a minor and she disclosed her age as 14 years.

Considering the fact that victim is a minor, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected. The petitioner may renew his prayer for bail after remaining one year in custody.

(Prabhat Kumar Jha, J)

manish/-

U		T	
---	--	---	--