

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45855 of 2016

Arising Out of PS.Case No. -8 Year- 2015 Thana -MAHILA PS District- JEHANABAD

Uma Shankar Das, son of Yogendra Das, Resident of village- Kishunpur, P.S.-Kako (Bhelawar O.P.), District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with Jehanabad Mahila P.S. Case No. 08 of 2015 dated 16.01.2015 registered under Sections 366A/34 of the Indian Penal Code.

The allegation against the petitioner is that he, along with other co-accused, had enticed the minor girl of the informant with a view to marry her.

Learned counsel for the petitioner submits that the girl, out of her own free will, had gone away with the petitioner and his friend to various places, without any ulterior motive. It is submitted that the girl was brought before the police by the petitioner and her statement under Section 164 of the Code of Criminal Procedure, 1973 was recorded before the court, in which, she has clearly stated that she had gone on her own will without making any allegation of any sort of ill-behaviour or abuse by

either the petitioner or the co-accused. It is submitted that the petitioner is also school going and about the same age. Learned counsel submits that even the medical report reveals the age of the girl as between 15 to 17 years and there is no finding of any abuse. It is submitted that the parties have also compromised the matter and the petitioner has no criminal antecedent.

Learned A.P.P. submits that as per the allegation, the minor daughter of the informant was enticed by the petitioner and his friend.

Considering the facts and circumstances of the case and submissions of learned counsels for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner, named above, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad Mahila P.S. Case No. 08 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

Certified copies of the statement under Section 164 of the Code of Criminal Procedure, 1973 and the compromise petition, produced by learned counsel for the petitioner, be kept on record.

(Ahsanuddin Amanullah, J)

Sujit/-

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