

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51608 of 2016

Arising Out of PS.Case No. -167 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Dilip Kumar Son of Govind Mahto resident of village - Tiwarichak, P.S. Barachatti, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 15.06.2016 in connection with Barachatti P. S. Case No. 167 of 2016 registered for the offence punishable under Sections 366A and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that his niece aged about 15-16 years is missing from his house. It has been alleged that the petitioner along with his brother-in-law, Pintu Kumar has taken away her niece on the pretext of marriage.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It has further been submitted that he has solemnized marriage with the niece of the informant and her



statement under Section 164 of the Cr. P. C. also does not indicate adversely, although, the age as stated by her and as noted by the Magistrate, is 16 years but on medical examination, she has been found to be above 19 years, hence, no case under Section 366A is made out against him. It has further been submitted that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and that he has no criminal history.

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

Considering the facts and circumstances of the case and submission of the parties and from the materials available, let the petitioner named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati District- Gaya in connection with Barachatti P. S. Case No. 167 of 2016.

(Nilu Agrawal, J)

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