

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10730 of 2016

Arising Out of PS.Case No. -707 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Md. Meraj Alam @ Md. Meraj Son of Gafirul Haque, Resident of Village -
Siswa Sahbad Tola, P.S. - Banjariya, District - East champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the State : Mr.Umesh Lal Verma, A.P.P.
For the O. P.No.2 : Mr. Anil Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 25-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State assisted by the

informant.

The petitioner is apprehending his arrest in
Turkauliya (Banjariya) P.S.Case No.707 of 2015 for the offences
under Sections 363, 366(A), 295(A)/34 of the I.P.C. arising out of
a Complaint Case No.C-2101 of 2015.

The case diary in the present case which was called
for has now since been received.

Learned counsel for the petitioner submits that the
victim girl in her statement recorded under section 164 Cr.P.C.
stated that she had herself gone with the petitioner and had stayed

at different places.

It appears that the victim girl had been kidnapped by the petitioner earlier also and she herself had given statement in this case, that earlier too, she had not been kidnapped by the petitioner rather, she had gone with the petitioner on her own sweet will.

Learned counsel for the informant however submits that the victim girl in her statement under Section 164 Cr.P.C. made in the earlier case had clearly stated that she was subjected to physical relation. He further submits, that in the earlier statement she has named this petitioner as the main accused who had kidnapped her. She has also stated that she had been threatened by the accused persons to give another statement, which under assurance of her family members, she gave the true picture before the court below. However, in the present case, after being kidnapped again, the victim girl, under threats of the accused, has given a contrary statement, which is being relied upon in the instant case.

Considering the fact that the main allegation is against the petitioner and the fact that the girl is minor aged between 16-17 years, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

So far as the question of release of the victim girl by the Magistrate is concerned, it is important to indicate that the learned Magistrate has recorded in her statement the age of the victim girl to be 19 years which is nowhere the case of either of the parties and it is very strange that how such age has come to be recorded in the order of Judicial Magistrate upon which the release order had been made by him.

(Anjana Mishra, J)

AnilKrSinha/-

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