

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9110 of 2016

Arising Out of PS.Case No. -304 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

1. Santosh Kumar @ Santosh Singh son of Prem Narayan Singh @ Prem Singh resident of Village- Patner, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shantanu Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case is that on 26.04.2015 when the informant was going with her sister-in-law, in the meantime three persons started chasing, out of them he identified co-accused Gautam Singh and the petitioner Santosh Kumar @ Santosh Singh. On the point of pistol, they abducted the informant and her sister-in-law. Subsequently, the informant was pushed down from the motorcycle and they took away the sister-in-law of the informant Khushboo Kumari.

It is submitted by the learned counsel for the



petitioner that though in 164 statement the victim has stated that on one motorcycle Gautam Singh and on other Santosh Kumar @ Santosh Singh was sitting but she could not identify the third person. Gautam Singh took away her in her sister's house where she was ravished by Gautam Singh. She wanted to marry with Gautam Singh. In 164 Cr.P.C. statement the victim got her age recorded 17 years, the Court also assessed her aged 18 years. The school certificate also suggest the date of birth of the victim as 30.06.1995, hence as per the Bihar School Examination Board certificate the victim was major on the alleged date of occurrence. The affidavit of the victim has also been brought on record that she has married with co-accused Gautam Singh, hence it is submitted that it is mere a case of love affair than case of abduction. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. 164 Cr.P.C. statement does not suggest that the victim received any injury.

Considering the thrust of accusation against co-accused Gautam Singh and coupled with the statement made in para-3 of the petition that petition has no criminal antecedent, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Lakhisarai in connection with Lakhisarai
P.S. Case No. 304 of 2015, subject to conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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