

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12143 of 2017

Arising Out of PS.Case No. -79 Year- 2016 Thana -BELSAND District- SITAMARHI

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1. Md. Saddam S/o Md. Jainul Miya Resident of Village- Pandrahi, Police Station- Belsand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-04-2017 Heard both sides.

The petitioner seeks bail in Belsand P.S. case No. 79 of 2016 under Section 366A, 363, 120B, 34 of the Indian Penal Code.

The informant alleged that petitioner forcibly dragged her sister, Neha Kumari, from the bus and kidnapped her.

The learned counsel for the petitioner submits that the victim made her statement under Section 164 of the Cr. P. C. and from perusal of her statement, it would appear that the victim voluntarily went along with petitioner to different places and remained with the petitioner. The victim did not make complaint of any ill treatment at the hands of the petitioner. The age of the victim is assessed to be 16-18 years.



The learned Additional Public Prosecutor as well as the learned counsel for the informant opposed the prayer for bail.

On perusal of the statement of the victim under Section 164 of the Cr. P. C., it appears that, of course, the victim alleged that she was forcibly dragged from the bus and petitioner and his friend got her seated on a motor cycle but it appears from perusal of the entire statement of the victim under Section 164 of the Cr. P. C. that the victim voluntarily moved along with petitioner to different places. She went to Delhi on a train but she did not raise any alarm on her way to Delhi.

Considering the facts aforesaid and the fact that petitioner is in jail since 07.10.2016, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Belsand P.S. Case No. 79 of 2016.

(Prabhat Kumar Jha, J)

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