

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10001 of 2017**

Arising Out of PS.Case No. -281 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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Subhash Kumar, Son of Bilas Mandal, Resident of Village- Tale Tola,  
Khutehry, P.S. Kahalgaon, District- Bhagalpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Shiwesh Chandra Mishra, Advocate.

For the Opposite Party : Mr. Ahtash Ali Khan, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      18-04-2017                      Heard both sides.

The petitioner seeks bail in Kahalgaon P.S. Case No. 281 of 2016, registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code.

The informant alleged that the petitioner and her family members kidnapped his minor daughter.

Learned counsel for the petitioner submits that the victim made her statement under Section 164 of the Code of Criminal Procedure. She, of course, made allegation that the petitioner forcibly took her to Howrah and from there to different places and also established physical relationship with her but the statement, itself, shows that she was a consenting party. She moved all around with the petitioner, but she did not raise any



objection or protest, while either traveling in train or living in hotels. The victim is a consenting party. The doctor has assessed the age of the victim to be major and the doctor did not find any sign of rape.

Shri Awadhesh Pandey, learned counsel for the informant as well as learned APP vehemently opposed the prayer for bail and submitted that the victim, herself, stated that she was forced to have intercourse with the petitioner.

It appears that the victim is about 18 years and she moved all along with the petitioner to different places, but she did not protest nor raised any objection against the petitioner.

Considering the facts aforesaid and the fact that the petitioner is in jail since 23.09.2016, the petitioner above named 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 Chief Judicial Magistrate, Bhagalpur in Kahalgaon P.S. Case No. 281 of 2016.

**(Prabhat Kumar Jha, J.)**

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