

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19062 of 2017

Arising Out of PS.Case No. -446 Year- 2016 Thana -PURNEA SADAR District- PURNIA

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1. Md. Shanny, son of Bablu, resident of Village- Pasi Tola, Purnea City,
P.S. Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 28-04-2017

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks bail in Sadar P.S. Case No.446
of 2016 instituted for the offence under Section(s) 363, 366-A
Indian Penal Code.

It is alleged that this petitioner kidnapped the minor
daughter of the informant.

The girl on her recovery has given statement under
Section 164 Cr. P.C., wherein, the Court has assessed her age as
18 years, whereas, the victim has stated her age as 16 years. The
girl has stated before the Magistrate under Section 164 Cr. P. C.
that this petitioner used to come to her house and called her in a
hotel and wanted to take her to Mumbai, which she refused.
Thereafter, he gave her cold drink and brought her to Patna and



from Patna took her to Mumbai by train and kept her in a room and also committed illegal act with her.

The victim girl was medically examined and the medical report is annexed as Annexure-3. The doctor has assessed the age of the victim as 20-22 years. The petitioner is in custody since 09.12.2016.

In such circumstances, from the narration made by the victim in her statement under Section 164 Cr. P. C. as well as her medical report, it appears that she was major and even if such occurrence has taken place, it appears to be a case of consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the Petitioner, above named, be released on bail on furnishing bail bond of ₹10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, Purnea, in connection with Sadar P.S. Case No.446 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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