

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14158 of 2017

Arising Out of PS.Case No. -189 Year- 2015 Thana -KAKO District- JEHANABAD

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1. Nitish Kumar Son of Dinesh Yadav, resident of village - Satanpur, P.S.
Kako, District - Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-05-2017 Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner seeks bail in Kako P.S. case No. 189

of 2015 under Section 366A/ 34 of the Indian Penal Code and

under Section 4 of the POCSO Act.

The informant alleged that petitioner kidnapped his

minor daughter. The victim made her statement under Section 164

of the Cr. P. C. and disclosed that she went along with petitioner

to Jehanabad and from there to Mugalsarai. Thereafter, she went

to Chennai along with petitioner, Nitish Kumar.

The learned counsel for the petitioner submits that

the victim deposed in court that she solemnized marriage with the



petitioner and she was living as wife along with petitioner.

On the other hand the learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for bail and submitted that the victim is still traceless and for missing of victim another case is pending in which petitioner is one of the accused.

Having considered the facts that the victim deposed in court and disclosed that she voluntarily went along with petitioner to Chennai, under duress she made her statement under Section 164 of the Cr. P. C., she solemnized marriage with the petitioner and the petitioner is in jail since 26.11.2016, 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 Additional Sessions Judge-I, Jehanabad POCSO trial No. 04 of 2017, arising out of Kako P.S. Case No. 189 of 2015.

(Prabhat Kumar Jha, J)

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