

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44514 of 2017

Arising Out of PS.Case No. -87 Year- 2017 Thana -PARAIYA District- GAYA

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Pankaj Kumar @ Chandan Kumar son of Rameshwar Chaudhary, Resident
of Village- Nemuri, P.S. Belganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate &
Mr. Mrigendra Pratap Singh, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 19-09-2017 Heard learned Senior Counsel for the petitioner as well
as learned A.P.P. for the State.

The petitioner is seeking regular bail in Paraiya P.S.
Case No. 87 of 2017 registered under Section 366(A) of the Indian
Penal Code.

Learned Senior Counsel submits that the allegation
against the petitioner is that he had taken away the girl Supriya
Kumari, aged about 17 years, with an intention to marry her. It is
alleged that the victim girl had as usual gone to a beauty parlour
where she was getting training. The girl later on was recovered in
Rajasthan and, on being brought to Gaya, she made her statement
under Section 164 Cr.P.C. The main emphasis of the learned
Senior Counsel is that a reading of the statement under Section



164 Cr.P.C. would make it clear that admittedly the girl had gone with the petitioner for bringing some articles at the instance of the father of the owner of the parlour. The girl, on her own, stated that on the next day this petitioner instead of taking her back to Gaya took her to Rajasthan but then further narration in the statement of the girl is that she was well treated, was provided food and the petitioner had never committed any wrong act or behaviour with the girl. The submission is that considering the age of the girl and the fact that she was getting training in the parlour where the boy was also there and both of them had gone together with the consent, the petitioner may be granted the privilege of regular bail.

On the other hand, learned A.P.P. for the State submits that the girl was minor as it appears that she was only 17 years old, initially going with the boy is though admitted but later on she had not given consent for going to Rajasthan and the petitioner has also got one case against him.

Considering the facts and circumstances of the case, particularly the statement of the girl under Section 164 Cr.P.C. that no wrong act or behaviour was done by this petitioner and initially she had left with the boy on her own at the instance of the father of the owner of the parlour, let the petitioner, namely, Pankaj Kumar @ Chandan Kumar, be released on bail on his



furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No. 87/2017, subject to the conditions as laid down under Section 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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