

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51560 of 2017

Arising Out of PS.Case No. -461 Year- 2016 Thana -PATORI District- SAMASTIPUR

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Sanjiv Kumar @ Sanjeev Kumar, S/o Late Suryadev Rai, resident of
Village- Taradhamaun, P.S. Patori, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 21-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Patori
P.S. Case No. 461 of 2016 registered under Sections 363, 366(A),
120(B)/34 of the Indian Penal Code.

The petitioner is said to have kidnapped minor
daughter of the informant along with other accused persons.

It is submitted by learned counsel for the petitioner
that the victim was major and herself eloped with the petitioner
and performed marriage with him and subsequently brother of the
petitioner dropped her at the police station where the victim was
recovered by the police. Victim in her statement under Section
164 of Cr.P.C. has wrongly alleged her forcible kidnapping by
the petitioner under pressure of her father. Had the victim been



forcibly kidnapped by him and taken by him from her village to Kolkata and then to Katihar on train, she would have made alarm and divulged the occurrence of kidnapping to the commuters which itself rules out the aforesaid statement of victim. In medical examination, the doctor has found the age of victim as 17-18 years and two years be added in upper age limit reported in medical examination while considering the age of victim in favour of the defence. Hence, the Victim is major, so an offence under Section 366A is not made out, utmost offence if any comes under Section 363 of the IPC, which is bailable. There is no allegation of any other overt act against the petitioner. The petitioner has been languishing in custody since 30.05.2017.

On the other hand, it is submitted by learned APP that the victim in her statement under Section 164 of Cr.P.C has stated that the petitioner had kidnapped her under coercion.

In the facts and circumstances of the case, 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, Samastipur in connection with Patori P.S. Case No. 461 of 2016.

(Prakash Chandra Jaiswal, J)

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