

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13610 of 2017

Arising Out of PS.Case No. -250 Year- 2015 Thana -BAKHTIARPUR District- SAHARSA

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Ashish Kumar Chaudhary @ Ashish Chaudhary, Son of Dharmendra Chaudhary, Resident of Vill- Korlaha, Police Station- Salkhua & District- Saharsa. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Verma, Advocate

For the Opposite Party : Mr. Arun Kumar Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 30-03-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Bakhtiyarpur P.S. Case No. 250 of 2015 (POCSO 18/15), registered for the offences punishable under Sections 363, 366(A), 380, 504, 506/ 34 of the Indian Penal Code, 1860 and Section 8 of POCSO Act, 2012.

Allegedly, the petitioner and others kidnapped the minor daughter of the informant and caused threats to kill if the case will be lodged. During investigation, the victim girl has been recovered and her statement has been recorded under Section 164 of the Cr.P.C. wherein she has not stated regarding her kidnapping, she had went out of her own sweet will with the petitioner and performed marriage with him, she has stated her age 19 years, but the learned Magistrate has assessed her age 14 years.

Submission is of false implication and that the



victim is major one, the doctor has found her age 16-17 years, from the statement of the victim girl no case of kidnapping is made out, out of wedlock the victim has gave birth of a male child vide Annexure-3, which is birth certificate and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that the doctor also found the victim as minor.

In the facts and circumstances as stated above, considering the statement of the victim girl, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st - cum - Special Judge, Saharsa, in connection with Bakhtiyarpur P.S. Case No. 250 of 2015 (POCSO 18/15), subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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