

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19060 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -SAHARSA District- SAHARSA

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Subham Kumar, Son of Sunil Poddar, resident of Mohalla- Krishna Nagar,
Ward No. 23, P.S. Saharsa, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 23-05-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Saharsa P.S. Case No. 83 of 2017 for the offences punishable under sections 363, 366 (A) and 34 of the I.P.C.

Allegedly, the petitioner kidnapped the minor daughter of the informant and during investigation the victim girl appeared and her statement has been recorded under section 164 of the Cr.P.C. wherein she has not supported the allegation of kidnapping and further she stated that the petitioner did not commit any forceful act with her and no physical relationship was established.



Submission is of false implication and that the victim has stated her age 17 years but the doctor who has examined the victim has found her age above 18 years, as per the statement recorded under section 164 of the Cr.P.C. no offence of kidnapping is made out and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering the statement of the victim girl recorded under section 164 of the Cr.P.C. and also the medical opinion, the petitioner, in case 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 Sri R. Choubey, C.J.M. Saharsa in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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