

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5973 of 2017

Arising Out of PS.Case No. -323 Year- 2016 Thana -GAYA KOTWALI District- GAYA

- =====
1. Sangeeta Devi, W/o Late Manoj Prasad,
 2. Suraj Kumar, S/o Late Manoj Prasad, Both Resident of Mohalla- Mal Godam, Murli Hill, P.S.- Gaya Kotwali, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party : Mr. Surendra Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Gaya Kotwali P.S. Case No. 323 of 2016, registered for the offence punishable under Section 366 of the Indian Penal Code.

Allegedly the petitioners and other co-accused Jitendra Kumar kidnapped the minor daughter of the informant. During investigation the statement of the victim girl has been recorded under Section 164 of Cr.P.C. wherein she has stated her age as 20 years and the learned Magistrate has assessed her age as 17 years. She has stated that she was not kidnapped and she went out of her own sweet will and performed marriage with Jitendra Kumar.



Submission is of false implication that the petitioners have got no concern with the alleged kidnapping and they have been falsely implicated, they are not named in the statement recorded under Section 164 Cr.P.C. and the victim has stated regarding innocence of the petitioners and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that the victim has not supported the allegation under Section 164 of Cr.P.C.

In the facts and circumstances as stated above, the petitioners in the event of their 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 bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Gaya Kotwali P.S. Case No. 323 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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