

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45795 of 2017

Arising Out of PS.Case No. -181 Year- 2017 Thana -BAHERA District- DARBHANGA

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Nitin Kumar Bhagat @ Ritesh Kumar Bhagat @ Ritin Kumar Bhagat, Son of Mahendra Bhagat, R/o Village- Shiv Ram, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahesh Bhagat, Son of Late Ram Gulam Prasad, R/o Village- Shvi Ram , P.S.- Bahera, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bahera P.S. Case No. 181 of 2017 instituted for the offence under Sections 366(A)/34 of the Indian Penal Code.

It is alleged in the written report that minor daughter of the informant has been kidnapped by this petitioner.

The statement of the victim girl has been recorded under Section 164 Cr. P.C. which is available in the case diary and a copy of the same has also been sent by the court below. The victim girl has stated her age in her 164 statement as 19 years whereas the Court has assessed her age to be 18 years. In her statement she specifically stated that she has voluntarily married with this petitioner and living in Delhi as husband and wife.



Learned A.P.P. has submitted that as per Matriculation Certificate the date of birth of victim girl is 1.1.2000 and, therefore, she is minor, but the learned Magistrate has assessed her age during her statement under Section 164 Cr. P.C. to be 18 years.

In such circumstances, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Bahera P.S. Case No. 181 of 2017, he shall be released on anticipatory 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 Chief Judicial Magistrate, Benipur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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