

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12701 of 2017

Arising Out of PS.Case No. -57 Year- 2016 Thana -BHEJA District- MADHUBANI

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1. Phool Kumar Ram @ Phulo Ram Son of Garbhu Ram, resident of vill. -
Khajuri, P.S. Bheja, Distt. - Madhubani

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Narayan Mahto, Advocate

For the Opposite Party : Mr. Ram Naresh Ray (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-04-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned counsel representing the

State.

The petitioner seeks bail in connection with Bheja
P.S Case No. 57 of 2016 (G.R. No. 1129 of 2016), registered for
the offences punishable under Sections 363 and 366(A)/34 of the
Indian Penal Code.

Allegedly, the petitioner and other co-accused
kidnapped the daughter of the informant aged 14 years. During
investigation, the statement of the victim girl was recorded under
Section 164 of the Cr.P.C. wherein she has stated her age as 20
years and the Magistrate has assessed her ages as 18 years and she
has stated that she performed marriage with the petitioner, she



gone out of her own sweet will and she is also pregnant of three months.

Submission is of false implication and that the victim was not kidnapped rather she went out of her own sweet will and consent, no offence of kidnapping is made out, without any fault the petitioner is suffering in custody since 22.11.2016 and, as such, he deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the Medical Board who has examined the victim has found her age 16 years and further uterus has been found normal and there was ovarian hormonal imbalance. As per School Certificate she is minor and, as such, the petitioner does not deserve sympathetic consideration.

In the facts and circumstances stated above, considering the statement of the victim girl, now the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, District Madhubani, in connection with Bheja P.S Case No. 57 of 2016 (G.R. No. 1129 of 2016), subject to the conditions that one of the bailors must be a near relative and



another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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