

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55723 of 2016

Arising Out of PS.Case No. -155 Year- 2016 Thana -BAJPATTI District- SITAMARHI

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Abhishek Kumar @ Chotu, S/o Radhe Singh, Resident of Village-
Ratwara, P.S.- Bajpatti, District- Sitmarhi. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. Md. Fahimuddin

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

ORAL ORDER

2 10-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Supplementary affidavit has been filed on behalf of the
petitioner which has been taken on record.

The petitioner seeks bail in connection with Bajpatti P.S.
Case No. 155 of 2016 registered for the offences punishable under
Sections 363 and 366(A) of the Indian Penal Code.

Allegedly, the daughter of the informant was kidnapped by
the petitioner with a purpose to marry with her. During
investigation the statement of the victim girl has been recorded
under Section 164 Cr.P.C. wherein she has stated that she went out
of her own sweet will and consent and she has further stated that
she wants to marry with the petitioner and the petitioner is also
ready to marry with her and the petitioner has developed physical
relationship with her also. She has stated her age as 18 years but



the learned Magistrate who has recorded her statement assessed her age 16 years. The medical board has assessed her age between 17-18 years which is annexed with supplementary affidavit.

Learned APP submits that the victim girl appears minor.

In the facts and circumstances stated above, considering that the victim girl has stated her age 18 years and the medical board also assessed her age 17-18 years and she has gone out of her own free will and consent, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri Jay Prakash Kisku, J. M. Ist Class, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 155 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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