

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23278 of 2017

Arising Out of PS.Case No. -92 Year- 2016 Thana -KASHICHAK District- NAWADA

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Prahlad Kumar, Son of Anil Prasad @ Anil Mahto, resident of Village-
Bajrang Bigha, Birnama, P.S.- Kashichak, District- Nawada.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. APP

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

ORAL ORDER

3 30-06-2017 Heard learned Sr. Counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kashichak P.S.
Case No. 92 of 2016 registered for the offences punishable under
Sections 363, 366A of the Indian Penal Code.

Allegedly, the petitioner kidnapped the daughter of the
informant, a student of Intermediate Arts, through Bolero vehicle.
During investigation the victim stated before the Police that she was not
kidnapped rather she went out of her own sweet will but in statement
recorded under Section 164 Cr.P.C. she has stated that she was
kidnapped.

Submission is of false implication and that the victim has
been found major by the doctor, she has stated her age 16 years and
learned Magistrate has assessed her age 17 years. From plain reading of
first information report it reveals that she was a consented party and she



went out of her own sweet will with the petitioner, in medical examination no sign of sexual intercourse was found and as such the petitioner who is suffering in custody since 23.03.2017 deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that in statement recorded under Section 164 Cr.P.C. the victim has supported the allegation of kidnapping.

In the facts and circumstances stated above, considering the contradiction in the statement recorded under Section 161 Cr.P.C. and statement recorded under Section 164 Cr.P.C. and further considering the medical report, 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 the learned S.D.J.M., Nawada in connection with Kashichak P.S. Case No. 92 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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