

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53953 of 2016

Arising Out of PS.Case No. -223 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

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Kundan Kumar, Son of Yogendra Yadav, Resident of Village- Yaduapatti,
P.S.- Kumarkhand, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Sri Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-01-2017

This is an application for grant of anticipatory bail
for offences punishable under Sections 365, 366A and 34 of the
Indian Penal Code.

Heard learned counsel for the petitioner.

It has been submitted on behalf of the petitioner that
he along with other eleven accused persons had kidnapped the
victim girl. The victim in her statement under Section 164 of the
Code of Criminal Procedure has stated nothing against petitioner
and she has disclosed that on her own sweet-will she had gone
with the petitioner.

Heard learned A.P.P. also. He has opposed the
prayer for bail on the ground that the victim girl was minor and
allegation of kidnapping is against the petitioner.



Having heard both sides and in the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

However, the petitioner may surrender before the court below, i.e., Chief Judicial Magistrate, Madhepura, in connection with Murliganj P. S. Case no. 223 of 2016 and make prayer for regular bail which will be considered and disposed of taking into account the fact that the victim girl has not taken the name of this petitioner in her statement under Section 164 Cr. P.C. and also the materials available on record, preferably on the same day without being prejudiced by this order.

With the aforesaid observation this application is dismissed.

(Vinod Kumar Sinha, J)

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