

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47286 of 2016

Arising Out of PS.Case No. -223 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

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Pramod Sahni, Son of Hardeo Sahni, resident of village - Dumaria, Police
Station Meenapur (O.P. Panapur), District – Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

4 30-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Meenapur P.S.
Case No.223 of 2014 registered under Sections 366 and 366(A) of the
Indian Penal Code.

The accusation is that on 31.05.2014 at about 07.00 P.M.,
in the evening, Uday Kumar came at the house of the informant Bhola
Ram and asked his wife that her husband (informant) has called her
daughter Kavita Kumari to take the articles from the market. On
believing Uday Kumar, the wife of the informant sent her daughter
Kavita Kumari with him but even after a long time, Kavita Kumari, the
daughter of the informant, did not return to her house. At about 08.00
P.M. when the informant came to his house, his wife informed him



regarding the same. While the informant made search of his daughter but no trace of her was found. As such, the informant raised suspicion that Uday Kumar kidnapped his daughter Kavita Kumari for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was love affair in between Kavita Kumari, the daughter of the informant, and Uday Kumar and Kavita Kumari, the daughter of the informant, moved from her house at her own sweet will and after knowing about lodging of the present case, she came suo moto at her house from where she was produced by the police before the Magistrate for recording her statement under Section 164 of the Code of Criminal Procedure. In her statement recorded under Section 164 of the Code of Criminal Procedure, Kavita Kumari, the daughter of the informant, has stated about her kidnapping in course of returning to her house by Uday Kumar, this petitioner and three others and keeping her at the house of this petitioner from where she was taken to the sasural of the petitioner and, on query, the sister-in-law of the petitioner handed over her to Mukhiya. Kavita Kumari, the daughter of the informant, nowhere has stated about any ill-behaviour of this petitioner with her in her statement recorded under Section 164 of the Code of Criminal Procedure. The petitioner is in custody since 21.08.2016.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of bail and submits that it would appear from paragraphs-21 and 22 of the case diary that the police on



receiving information about returning of Kavita Kumari, the daughter of the informant, went to the house of the informant and then her parents produced her before the police and, thereafter, her statement under Section 164 of the Code of Criminal Procedure was recorded, as detailed in paragraph-40 of the case diary. Moreover, on medical examination of Kavita Kumari, the daughter of the informant, her age has been assessed to be 15-16 years.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Meenapur P.S. Case No.223 of 2014.

(Rajendra Kumar Mishra, J)

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