

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16726 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -JAMUI District- JAMUI

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Rajniti Kumar @ Rajniti Sao, Son of Late Sadanand Sao, Resident of
Village-Navinagar, P.S. Jammui, District-Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-04-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Jamui P.S. Case No. 254 of 2016, registered for offences punishable under Section 363 of the Indian Penal Code.

The allegation against the petitioner, as per the FIR, is of kidnapping of a minor girl. However, it has been submitted on behalf of the petitioner that the case is lodged under Section 363 IPC only which is bailable.

So far as the merit is concerned, it has been submitted that the statement of the girl has been recorded by the Magistrate under Section 164 Cr. P.C. in which she has stated that she has left voluntarily with the petitioner and married with the petitioner and the Magistrate has assessed her age as 18 years.



Heard learned A.P.P. also. He opposes the prayer for bail on the ground that the age of the girl was assessed by the Doctor as 15 years which is apparent from the impugned order itself.

Having heard both sides and in view of the fact that the girl herself stated nothing against the petitioner, no doubt, the age of the girl as assessed by the Doctor, is 15 years, but the Court has assessed her age as 18 years and in the FIR nothing has been stated about her age, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 254 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the



investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

S.Pandey/-

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