

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4642 of 2017

Arising Out of PS.Case No. -60 Year- 2015 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

Kamlesh Kumar S/o Pradip Sah, R/o Village Araria, P.S. Kundwa
Chainpur, District East Champaran. Motihari

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party : Mr. Ramchandra Sahani (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Kundwachainpur P.S. Case No. 60 of 2015, registered for the
offences punishable under Sections 366(A), 120(B)/34 of the
Indian Penal Code.

Allegedly, the petitioner and other co-accused after
spraying intoxicant kidnapped the grand-daughter of the
informant. During investigation the statement of the victim was
recorded under Section 164 of the Cr.P.C. wherein she has denied
regarding her kidnapping and has stated that she has married with
the petitioner out of her own sweet will, she has stated her age as
19 years and the learned Magistrate has assessed her age as 17



years.

Submission is of false implication and that in view of the statement recorded under Section 164 of Cr.P.C. no case is made out against the petitioner, the petitioner has not kidnapped her rather she has gone out of her freewill and has married with the petitioner, at present there are two childrens out the wedlock and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that in F.I.R. the victim has been mentioned as minor.

In the facts and circumstances as stated above, considering the statement recorded under Section 164 Cr.P.C., the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Sikrahna, East Champaran, Motihari, in connection with Kundwachainpur P.S. Case No. 60 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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