

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12248 of 2017

Arising Out of PS.Case No. -677 Year- 2014 Thana -GAYA KOTWALI District- GAYA

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Nikunj Alok @ Alok Sharma, Son of Arvind Sharma, Resident of New
Godown, Police Adda, P.S. Kotwali, District – Gaya Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Sri Madan Kumar

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

ORAL ORDER

2 22-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner apprehends his arrest in connection with
Kotwali P.S. Case No. 677 of 2014 registered for the offences
punishable under Sections 363 and 365 of the Indian Penal Code.

Allegedly, the daughter of the informant aged 14 years
became traceless with mobile and accordingly, the case was
registered against unknown. During investigation the name of the
petitioner transpires and the victim was released. Her statement
was recorded under Section 164 Cr.P.C. wherein she has stated
that she went out of her own will with the petitioner and she
performed marriage with the petitioner and thereafter, both lived
as husband and wife as per her consent.

Submission is of false implication and that the
petitioner has not committed any offence. From the statement of



the victim recorded under Section 164 Cr.P.C. no offence is made out against the petitioner. Further the informant and victim have filed compromise petition also vide annexure 3 at the time of hearing of ABP No. 346 of 2016 and as such the petitioner deserves sympathetic consideration.

Learned APP submits that from the impugned order it reveals that the doctor has assessed her age 16-17 years so, she is minor and further in the statement recorded under Section 164 Cr.P.C. also she has stated her age as 14 years.

In the facts and circumstances stated above, considering the statement of the victim girl and further compromise arrived at between the parties, the petitioner above named, in case 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 execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 677 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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