

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30969 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -SONBERSA District- SAHARSA

=====

1. CHANDAN KUMAR @ CHANDAN KUMAR CHAUTALA, Son of
Sri Shankar Mistry, Resident of Temtha, P.S.- Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-07-2017

Heard the parties.

The petitioner apprehends arrest in connection with
Sonbarsa Raj P.S. Case No. 82 of 2016 registered for the offence
under Sections 363, 366-A/34 of the Indian Penal Code.

The informant in his written report submitted before
S.H.O. of Sonbarsa Raj P.S. has alleged that on 14.05.2016, this
petitioner with the help of three F.I.R. named and other
unknown conspired and abducted his daughter.

The learned counsel for the petitioner submits that
the daughter of the informant is a major girl aged about 20 years
and she voluntarily left the house and married with this
petitioner. She was produced before Magistrate for recording her
statement under Section 164 of Cr.P.C. where she disclosed her



age as 19 years. The learned Magistrate assessed her age as 18 years. In her statement given under Section 164 Cr.P.C. she has admitted her marriage solemnized with this petitioner. She is residing with this petitioner at his house and so, no offence under Section 363, 366A of the I.P.C.

The learned APP for the State opposed the submissions.

On perusal of documents on record, I find that the specific allegation against the petitioner is that he along with other co-accused abducted the informant's daughter in his absence. The victim in her statement given before magistrate has stated that she was called by this petitioner over mobile and by putting pressure took her to a temple of God Sankar Ji. She accepted Hindu Religion and married with the petitioner. The learned Sessions Judge by rejecting the prayer of anticipatory bail has perused the case diary. The Investigating Officer has referred matriculation certificate of this victim wherein the date of birth of victim girl has been found mentioned as 18.08.2001. Thus, it appears that this is a case of abduction of a minor girl.

In the facts and circumstances of the case, the prayer of anticipatory bail of this petitioner is rejected. However, if the petitioner surrenders before the court below and pray for regular



bail, his prayer shall be considered on merit without being prejudiced with the order of this Court.

(Sanjay Kumar, J)

ajaypd./-

U		T	
---	--	---	--

