

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39573 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sanjeet Kumar S/o Pukar Mahto Resident of Village- Mahuawa, P.S.
Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 21-08-2017 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Chiraiya P.S. Case No. 32 of 2017 instituted for the offences
punishable under Sections 363 and 366-A of the Indian Penal
Code.

The allegation as per written report is that this
petitioner abducted the daughter of the informant with intention
to marry with her.

The learned counsel for the petitioner submits that
from the allegation, no offence is made out. The occurrence
allegedly took place on 10.02.2017, but F.I.R. has been lodged
after delay of three days i.e. 13.02.2017 for which no satisfactory
explanation has been given by the informant. The statement of



the victim was taken on the date of institution of the F.I.R, which makes the case of the informant doubtful. The victim was examined by the Doctor, who assessed her age in between 17 to 18 years. There is absolutely no material on record to show that the victim was raped and so, the petitioner deserves anticipatory bail.

The learned A.P.P. for the State opposed the submission.

On perusal of F.I.R., I find that there is specific allegation against the petitioner, who abducted the informant's minor daughter with intention to marry her. The victim was produced before the Magistrate and her statement was recorded on 18.02.2017, which appears from the first page of heading of the form of deposition. The victim in her statement has disclosed her age as 14 years. The court below, however, assessed her age as 15 years. In her statement, she has alleged that this petitioner kept her in a room where this petitioner committed rape on her.

Considering the specific allegation of kidnapping the minor daughter of the informant and also the allegation of committing rape on her, I am not inclined to extend him the privilege of anticipatory bail. The prayer is, therefore, rejected.

(Sanjay Kumar, J)

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