

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60321 of 2017

Arising Out of PS.Case No. -65 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

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Bhola Kumar @ Abhimanyu Kumar Son of Mahesh Singh, resident of
village- Karanpur North, Police Station- Bochahan, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjesh Kumar Singh, Advocate

For the State : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Bochahan P.S.Case No.65 of 2017 registered under Sections 365,
366 and 366A of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that there is no allegation in the FIR that the victim was abducted
with the purpose that she will be forced or seduced to illicit
intercourse with another person. She submitted that even the
victim in her statement made under Section 164 of the Code of
Criminal Procedure before the Magistrate has not stated that she
was forced to illicit intercourse with another person and in that
view of the matter the ingredients of the offence punishable under
Section 366A of the Indian Penal Code would not be attracted.



She submitted that the petitioner has got no criminal antecedent and having roots in the society, he is not likely to abscond or tamper with the evidence. She also submitted that as per medical report the victim is aged about eighteen to nineteen years and out of her own sweet will she ran away from her parents' house.

On the other hand, learned counsel for the State submitted that though there is no allegation of forcing or seducing the victim to illicit intercourse with another person, the petitioner is alleged to have taken her away.

Be that as it may, regard being had to the facts and circumstances of the case and the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to 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 Sub Judge,XI-cum-A.C.J.M., Muzaffarpur in connection with Bochahan P.S. Case No.65 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Md.S./-

(Ashwani Kumar Singh, J)

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