

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54504 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -TARABARI District- ARRARIA

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1. Najeeb @ Md. Najeeb, son of Abbas, resident of Village- Pairwakhuri,
Police Station- Tarabari, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-01-2017 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State.

This application is for grant of anticipatory bail in
connection with Tarabari P.S.Case No.74 of 2016 for the offence
under Sections 366A/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that though
the allegation of kidnapping is against the petitioner but from the
statement of the girl under Section 164 Cr.P.C. itself, it will
appear that the victim girl had gone on her own sweet-will with
the petitioner and no case is made out under Section 366A of the
Indian Penal Code. It is also submitted that even the Doctor
recorded her age between 16-17 years at the time of her medical



evidence but the girl has stated her age 19 years.

Heard learned A.P.P. also.

Having heard both sides and considering the facts of the case, I am not inclined to grant anticipatory bail to the petitioner. Let the petitioner surrender before the court below and the make prayer for regular bail and the court below will consider all aspects of the matter including the statement of the victim girl, recorded under Section 164 Cr.P.C. wherein she has not stated about her kidnapping rather she has stated that she had gone on her own sweet-will with the petitioner as well as other materials available on the record, and will consider the case and dispose of the matter preferably on the same day.

(Vinod Kumar Sinha, J)

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