

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39807 of 2017

Arising Out of PS.Case No. -1227 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. PINTU SAH @ DHARMAPAL KUMAR, Son of Gopal Saw, Resident
of Village- Maharajganj, P.s.- Tilauthu, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 28.04.2017 in
connection with Sessions Trial No. 227 of 2017 arising out of
Sasaram (Tilauthu) P.S. Case No. 1227 of 2015, for offences
punishable under Sections 364/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant is that
his 17 year old daughter had gone to sewing class and was
kidnapped by the petitioner and other co-accused persons.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has no criminal antecedent and has
falsely been implicated in the aforesaid case. It is further
submitted that the victim has given her statement before the



Magistrate under Section 164 of the Cr. P.C. in which her age has been assessed as 19 years and that was as stated that she had voluntarily gone with the petitioner and married him in a temple. He submits that the Medical Board had also assessed her age to be 17-18 years. It is further submitted that after investigation the I.O. submitted final form finding the case mistake of fact but after further investigation u/s 173 (8) Cr.P.C. I.O. submitted charge-sheet against the petitioner u/s 366A/34 of the I.P.C.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the victim girl is a minor who has abducted the minor daughter of the petitioner and her age has been assessed by the Medical Board to be 17-18 years.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged 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 Fast Track Court-I, Rohtas at Sasaram, in connection with Sessions Trial No. 227 of 2017 arising out of Sasaram (Tilauthu) P.S. Case No. 1227 of 2015, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the



concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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