

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45920 of 2017**

Arising Out of PS.Case No. -123 Year- 2017 Thana -CHANDI District- NALANDA  
(BIHARSHARIFF)

=====

Rauki Kumar @ Rocky Kumar son of Ram Singh, resident of Village-  
Korut, P.S.- Chandi, District- Nalanda.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA**  
**JAISWAL**  
ORAL ORDER

2      19-09-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in Chandi P.S. Case No.  
123 of 2017 registered under Section 366A/34 of the Indian Penal  
Code.

As per the prosecution case, the petitioner along  
with other accused persons is said to have kidnapped the minor  
daughter of the informant on the way to her school with intention  
to perform marriage with her.

It is submitted by learned counsel for the petitioner  
that the victim has not been kidnapped by the petitioner rather the  
victim herself left her house with the petitioner and performed



marriage with him in the Surya temple Hilsa out of her sweet will. The victim has also given statement to the said effect under Section 164 of the Code of Criminal Procedure before the learned Magistrate. Though the victim is major aged about 18 years, but the learned Magistrate has assessed her age as 17 years. Actually she is major and moreover benefit of discrepancy regarding the age of the victim should be given to the petitioner. The petitioner has been languishing in custody since 31.05.2017.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Bihar Sharif in connection with Chandi P.S. Case No. 123 of 2017.

**(Prakash Chandra Jaiswal, J)**

Mishra/-

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