

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11323 of 2017

Arising Out of PS.Case No. -574 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Bijay Yadav @ Vijay Yadav son of late Rajendra Yadav Resident of village - Mirzapur Kothi, P.S. - Simraha (Forbesganj), Dist -Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioner, and the learned counsel representing the State.

The petitioner apprehends his arrest in connection with Forbesganj (Simraha) P.S Case No. 574 of 2016 arising out of G.R. No. 3585 of 2016 registered for the offence punishable under Section 366(A) of the Indian Penal Code.

Allegedly, the petitioner and other co-accused kidnapped the daughter, aged 14 years, of the informant and earlier the petitioner has caused threats also. She has stated her age as 20 years but the learned Magistrate has recorded her age as 16 years.

Submission is of false implication and during investigation the statement of the victim girl has been recorded



under Section 164 Cr.P.C., wherein, she has stated that she was not kidnapped rather she went out of her own sweet will to perform marriage with the petitioner. After performing marriage in a temple she took a room in a lodge where she and the petitioner were living as husband and wife and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. fairly submits that the statement of the victim girl recorded under Section 164 Cr.P.C. is not supporting the allegation of kidnapping.

In the facts and circumstances stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of the order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Forbesganj (Simraha) P.S. Case No. 574 of 2016 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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