

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48159 of 2017

Arising Out of PS. Case No.-130 Year-2016 Thana- DINARA District- Rohtas

Rahul Kumar Lal, Son of Baban Lal, Resident of Village- Narwar, P.S.-
Dinara, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-10-2017 Heard learned counsels for the petitioner and State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case, as per the written report submitted by the informant Santosh Kumar to S.H.O., Dinara Police Station, is that on 10.06.2016 at 10 AM, the daughter of one Parmeshwar Sah, namely Kabita Kumari came to his house and talked with the sister of the informant namely, Mikki Kumari, aged about 16 years. After some time, the sister of the informant went in the company of Kabita Kumari and thereafter, she went traceless. It is alleged that the FIR named accused persons enticed away the sister of the informant and subsequently, the petitioner got married with her.



It is submitted by learned counsel for the petitioner that the victim went missing on 10.06.2016, when the FIR was registered after three days on 13.06.2016 by suppressing the fact that the victim is major. The victim herself married with the petitioner on 12.06.2017.

It is further submitted that ultrasound report of the victim dated 28.08.2017 suggests that she was carrying pregnancy of 22 to 23 weeks and expected date of delivery is 26.12.2017. Moreover, the informant has subsequently retracted from his initial version and filed a petition to that effect before the learned Court below. However, it is admitted by learned counsel for the petitioner that age of the victim has not been determined as yet, though, she is ready to appear before the learned Court below and get her statement recorded under Section 164 Cr. P.C.

Mr. J.N. Thakur, learned APP submits that there is specific accusation of kidnapping against the petitioner.

Considering the nature of accusation, let the above named accused persons be released on provisional anticipatory bail for four months, in the event of arrest/surrender before the learned Court below, within a period of six weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 7th



Additional Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case No. 130 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr. P.C.

The petitioner will produce the victim girl before the learned Court below on 15th of January, 2017, when the S.P., Rohtas at Sasaram will provide adequate security and will directed the concerned I.O., to get the statement of the victim girl recorded under Section 164 Cr. P.C., on the same day, when the learned Court below will direct for medical examination of the victim girl.

If the victim girl in her 164 Cr. P.C., statement, admits that she of her own married with the petitioner and in the medical examination, it is found that the victim girl was major on the date of occurrence, then the provisional bail of the petitioner will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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