

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49263 of 2017

Arising Out of PS. Case No.-56 Year-2017 Thana- BELSAND District- Sitamarhi

Md. Rustam @ Md. Rostam, Son of Md. Mustaqueem, Resident of Village-
Kansar, P.S.-Belsand, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. SRI KANHAIYA KISHORE

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner apprehends his arrest in connection with
Belsand P. S. Case No. 56 of 2017 registered for the offences
punishable under Sections 363, 366A/34 of the Indian Penal
Code.

Allegedly, the petitioners and others kidnapped 17 years
old niece of the informant. During investigation the victim girl
has been recovered and her statement has been recorded under
Section 164 Cr.P.C. wherein she has stated her age to be 18
years and learned Magistrate has assessed her to be 19 years
and she has not supported the allegation of kidnapping rather
she stated that she has got love affairs with the petitioner and



she wants to marry with him and she went with him out of her own sweet will to Sonbarsa where she lived for 27 days and the petitioner used to sleep with her.

Submission is of false implication and that as per the statement of the victim girl no offence as alleged is made out, the victim girl is major one and she went out of her own sweet will and as such the petitioner deserves sympathetic consideration.

Learned APP submits that the victim girl in her statement has not supported the allegation.

In the facts and circumstances stated above, the petitioner above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Belsand P. S. Case No. 56 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

avin/-

(Jitendra Mohan Sharma, J)

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