

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6556 of 2017

Arising Out of PS.Case No. -140 Year- 2016 Thana -BIHIYA District- BHOJPUR

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Anuj Kumar Panday, Son of Shri Nirmal Pandey, resident of village -
Dubauli, P.S. Bihiya, District - Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.09.2016 in connection with Bihiya P.S. Case No. 140 of
2016 registered for the offence punishable under Sections 363,
366(A) and 120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that his sister Priti Kumari aged 14 years had been
kidnapped by the petitioner and two others.

It has been submitted by the learned counsel for
the petitioner that he is innocent, bears no criminal history and
one Munna Paswan, co-accused in his confessional statement



has stated that although petitioner and one another had taken away the victim, but he had love affair with the victim and on his instigation, petitioner and one another had called the victim. He further submits that no case either under Section 366(A) or 363 of the Indian Penal Code is applicable and the victim although is stated to be 13 years by the learned Magistrate, but on medical examination, her age has been assessed between 18 and 20 years. He further submits that the victim girl also in her statement under Section 164 of the Cr.P.C. has not made any allegation of overt act against the petitioner.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

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/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya P.S. Case No. 140 of 2016, subject to the condition that one of the bailors must be a close relative and the other bailor must have sufficient



immovable properties within the jurisdiction of the concerned
police station/Court.

(Nilu Agrawal, J.)

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