

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15769 of 2017

Arising Out of PS.Case No. -938 Year- 2016 Thana -BANKA District- BANKA

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Bikash Tuplaunde S/o Gangadhar Sitaram Tuplaundee, resident of
Pimpalgaon Ketki, P.S. Dindari, District Nasik (Maharashtra)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 28-04-2017

Heard both sides.

The petitioner seeks bail in Banka P.S. case No. 938
of 2016 under Section 366A of the Indian Penal Code.

The informant alleged that her daughter went for
tuition on 21.11.2016 in the morning but she did not return. Her
daughter was studying earlier in Nasik and she used to talk with
the petitioner on mobile No. 8308935143. The informant alleged
that petitioner must have kidnapped her daughter for the purpose
of marriage.

The learned counsel for the petitioner submits that
father of the victim is still residing in Maharashtra. There were
love affairs between the victim and the petitioner. The victim
moved all along with petitioner from Banka to Nasik but she did
not raise any alarm. The victim made her statement under Section



164 of the Cr. P. C. and she disclosed that petitioner took her to Nasik on the pretext of illness of her mother but the statement of victim itself shows that the victim was a consenting party and she went along with petitioner out of her free will. The victim did not complain any ill treatment at the hands of the petitioner.

Considering the facts that victim did not complain any ill treatment at the hands of the petitioner and it appears that she went all along with petitioner from Banka to Nasik but she did not complain nor protested anywhere on her way to Nasik, 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, Banka in Banka P.S. Case No. 938 of 2016.

(Prabhat Kumar Jha, J)

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