

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37801 of 2017

Arising Out of PS.Case No. -173 Year- 2017 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sheikh Shakil Son of Sk. Sanauwar, Resident of Village-Garahia, P.S.-
Dhaka (Pachpakri O.P.) District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-08-2017

Heard the learned counsel for the petitioner.

The petitioner seeks regular bail in connection with
Dhaka Pachpakri P.S. Case No. 173 of 2017, registered for the
offence punishable under Sections 363, 506/34, 365, 366 and
366-A of the Indian Penal Code.

The case of the prosecution is that the daughter of the
informant was kidnapped along with her child by the accused
persons.

The learned counsel for the petitioner submits that the
victim has stated in her statement made under Section 164
Cr.P.C. that she had love affairs with the petitioner and
thereafter, she was married with somebody else. However,
subsequently, she had on her own free will gone with the



petitioner and she wants to live with him.

The learned counsel for the petitioner submits that the victim herself has stated in her statement made under Section 164 Cr.P.C. that she had on her own free will gone with the petitioner, hence no offence is made out as alleged.

I find from the order dated 20.07.2017 passed by the Additional Sessions Judge, 2nd, East Champaran, Motihari that the informant of the said case, subsequently, filed a petition before the learned trial court and appeared before the court and stated that she was being threatened by the accused persons, which had led to making statement under Section 164 Cr.P.C. in favour of the accused persons. However, the fact is that she along with her daughter was kidnapped by the accused persons.

Having regard to the facts and circumstances of the case, as also the serious nature of allegations levelled, I am not inclined to enlarge the petitioner on regular bail at the moment. Accordingly, the petition is dismissed.

(Mohit Kumar Shah, J)

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