

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2166 of 2018

Arising Out of PS.Case No. -1015 Year- 2015 Thana -SAHARSA District- SAHARSA

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Lakki Kumar Singh @ Tushar, Son of Purushottam Singh, Resident of Village & P.S. Bheja, District- Madhubani, Present Address:- Mohalla-Islamia, Ward No. 15, P.S. Sadar Saharsa, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-01-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

The prosecution case as per the written report of Reena Bharti dated 10.12.2015 submitted to the SHO, Saharsa Sadar Police Station is to the effect that on 10.12.2015 at 7.45 A.M. the daughter of the informant namely, Priya Pallavi aged about 14 years left the house for taking bus for going to school but as soon as she reached near Tiranga Chowk, two persons on a pulsar motorcycle namely, the petitioner Lakki Kumar Singh and Gunjan Kumar, the driver of the school van came and spread some sedative materials on the daughter of the



informant, thereafter Monu Singh and others took her on the motorcycle.

It is submitted by learned counsel for the petitioner that in the statement under Section 164 of the Cr.P.C. the victim got her age recorded as 20 years when the Court has assessed as such, where she has stated that on 10.12.2015 she of her own left her house for school where she met with the petitioner and thereafter they went to Darbhanga and from Darbhanga they came to Patna by bus and thereafter on the next day they went to Delhi by train where they performed marriage. The victim also claimed that she has a baby of three months and both are ill. It is further submitted that co-accused persons have been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. Nos. 19472 of 2016 and 12776 of 2016.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the fact that the victim claimed herself to be major and found as such by the learned Court below and the statement recorded under Section 164 of the Code of Criminal Procedure completely negates the prosecution case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below



within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 1015 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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