

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3262 of 2018

Arising Out of PS.Case No. -268 Year- 2016 Thana -BUXAR District- BUXAR

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1. Istaque Shah @ Ishtiyaque @ Sheru Shah @ Sheru S/o Tamel Shah, R/o
Mohalla- Nai Bazar, P.S.- Buxar Town, District- Buxar... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-03-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Buxar (Town) PS case no. 268 of 2016
registered for the offences punishable under Sections 363,
366-A/ 34 of Indian Penal Code.

The allegation is regarding the petitioner having
kidnapped the victim girl and taken her away.

The learned counsel for the petitioner has drawn the
attention of this Court to the statement of the victim girl recorded
under Section 164 of Code of Criminal Procedure in which she has
stated that she has voluntarily married with the petitioner and she
was living peacefully with the petitioner but lateron, her parents
had forcibly brought her to their house. It is further submitted that
though the learned Magistrate has assessed the age of the victim



girl as 20 years but her age has been assessed by the Medical Board to be between 16 to 17 years which is not correct inasmuch as, in the same case relating to trial of father of the petitioner, the learned trial court in its judgment dated 31.08.2017 has observed that the age of the victim girl, as assessed by the Medical Board, has not been assessed by the doctors on any scientific basis. The petitioner is stated to be having a clean antecedent.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Buxar in connection with Buxar Town PS case no. 268 of 2016 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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