

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2146 of 2018

Arising Out of PS. Case No.-104 Year-2017 Thana- HULASGANJ District- Jehanabad

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Ajeet Das @ Sujit Das, Son of Rajendra Das @ Rajendra Mochi, Resident of
Village- Subhani Bigha, P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

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

Prosecution case as per the written report submitted by
Radhe Thakur to the Station House Officer, Hulasganj Bazar
dated 04.09.2017, is to the effect that his minor daughter Gunja
Kumari had gone out from the house conveying that she is
going to market and will return within an hour, but she did not
return. It is further alleged that during search the informant
came to know that the accused persons named in the FIR
enticed her away for the purpose of marriage.

It is submitted by learned counsel for the petitioner that



from perusal of the FIR it appears that the victim left the house in the company of Satayam Das with whom she is in love and she went to Delhi at her own. In 164 of the Cr. P.C. statement the victim got her age recorded as 18 years, whereas, the learned Court below assessed her age as 17 years, wherein, she has stated that three days prior to recording of the statement, she was going to her sister's house, but in the tempo she meet with this petitioner, who inquired from the victim as to where she is going and thereafter this petitioner conveyed that he is also going to meet with a girl with whom he will eloped. Thereafter, this petitioner took Rs.1000/- from the victim and assured her to return the same after being reached at Gaya. Thereafter, she went alone to Delhi, where, she met with Karu, friend of this petitioner, who took the victim to his house. Though, Karu wants to marry with the victim, but she is not ready for that. The victim has further stated that Karu has not established any physical relationship with the victim and subsequently, Karu left her at Gaya. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the victim has named this petitioner in 164 of the Cr. P.C. statement.

Considering the fact that the victim in 164 of the Cr.P.C.



statement has not alleged that the petitioner either kidnapped her or she went in his company to Delhi or she has any relationship with this petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-IV, Jehanabad, in connection with Hulasganj P.S. Case No.104 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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