

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20098 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -MEDANICHOWK District- LAKHISARAI

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Guddu Alam S/o Md. Kayum @ Md. Kaium , R/o Village- Naugachhia,
P.S.- Naugachhia, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 09-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 366A of the Indian Penal Code.

The prosecution case got initiated with the written report of Yogendra Kumar Yogi dated 19.01.2018 submitted to the Station House Officer, Mednichowki, to the effect that Mausam Kumari, the daughter of the informant was studying in a coaching centre at her maternal grandfather's place and was also teaching small children. The petitioner Guddu Alam being a teacher in the coaching enticed away the daughter of the informant on 08.01.2018, on the pretext of marriage.



It is submitted by learned counsel for the petitioner that for the occurrence of 08.01.2018, the written report was submitted on 19.01.2018 and explanation for such inordinate delay is that the informant was searching for his daughter. In her statement under Section 164 Cr.P.C., the victim got her age recorded as 17 years, when the Court has also assessed as such, where she has stated that due to the fight between her parents, she left the house and went to the house of maternal aunt of her mother on 26.12.2017 and on 08.01.2018, she went to her friend Sunita where she stayed for ten days and when she came to know about the case being lodged, she returned back. She has not even whispered the name of the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner is named in the FIR.

Considering the delayed lodging of the case and the statement of the victim under Section 164 Cr.P.C. wherein she has not even whispered the name of petitioner or levelled any allegation against him, coupled with the statement in paragraph 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 his 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 Additional Chief Judicial Magistrate-II, Lakhisarai in connection with Mednichowki P.S. Case No. 03 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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