

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37727 of 2018

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Mani Bhushan Kumar S/o Pramod Kumar Singh, R/o Vill.- Kolhua, P.S.- Saraiya, District- Muzaffarpur. At Present-R/o Assoi, Lachhiram, P.S.- Bhagwanpur, District- Vaishali (Hajipur).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

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

The prosecution case as per the written report of Shambhu Kumar submitted to the Station House Officer of Dhaka Police Station is to the effect that the daughter of the informant namely, Sushma Arya went to appear at the Matriculation examination on 03.02.2015 but she did not return home when apprehension was raised that the petitioner might have kidnapped the daughter of the informant aged about 14-15 years either for the purposes of marriage or for immoral activities. It is alleged that the petitioner was the driver of the



bus in the school in question.

It is submitted by learned counsel for the petitioner that the FIR was registered on 11.02.2015 but it reached to the court of learned SDJM on 14.02.2015 which suggests that the FIR has been registered by antedating. In statement under Section 164 Cr.P.C., the victim has stated her age about 18 years when the Court has assessed as such where she has stated that she has not been kidnapped by anyone but now she has two months old baby since she has married with the petitioner and she also filed an affidavit to that effect before the learned Court below.

Learned APP, however, submits that the FIR suggests that the victim was aged between 14-15 years and there is specific accusation against the petitioner.

Considering the fact that the learned Court below has assessed the age of the victim as 18 years where she has stated that she has married with the petitioner of her own and has a baby now coupled with the statement made 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 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 Sub-divisional Judicial Magistrate, Sikarahna at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 34 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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