

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43643 of 2018

Arising Out of PS.Case No. -81 Year- 2017 Thana -RUDRAPUR District- MADHUBANI

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Shiv Narayan Mandal Son of Parmanand Mandal Resident of village-
Bhduaar, P.S.- Rudrapur, District- Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party : Mr. Rajeev Nayan, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

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

The prosecution case as per the written report of Sitaram Mandal dated 28.10.2017 submitted to the Station House Officer, Rudrapur P.S., is to the effect that on 27.10.2017, the informant was sleeping in his house but when he woke up in the mid-night he found his minor daughter, Kanchan Kumari missing. On search, he found that the petitioner, being the neighbour in assistance with other accused persons have enticed



her away.

It is submitted by learned counsel for the petitioner that during medical examination, the victim was found aged 17-18 years, though, in the statement recorded under Section 164 Cr.P.C. the victim got her age recorded as 15 years when the Court has assessed her age as 14 years where she has stated that she on her own left the house on 27.10.2017, called this petitioner and thereafter went to Delhi with him and she on her own, married with 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 thrust of accusation is against the petitioner.

Considering the fact that as per the medical opinion the victim has been found major or approaching majority and in the statement recorded under Section 164 Cr.P.C. she has denied the accusation of kidnapping, 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 Additional Chief Judicial Magistrate-II,
Jhanjharpur, District - Madhubani in connection with Rudrapur
P.S. Case No. 81 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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