

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56848 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -MAHILA P.S. District- SARAN

=====

Amit Kumar S/o Biresh Sharma, R/o Vill.- Goura, P.O.- Goura, P.S.-
Goura, O.P.- (Marhorah), District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-10-2018

Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel
for the informant.

The petitioner seeks pre-arrest bail in connection
with Mahila P. S. Case No. 09 of 2018 registered under Section
376 read with 34 of the Indian Penal Code and Section 3 and 4
of the Protection of Children from Sexual Offences Act.

It is submitted that prior to institution of the
present case, the father of the informant had instituted
Marhowrah (Goura O.P.) P.S. Case No. 479 of 2016 on
18.10.2016 under Sections 366A, 504 and 506 read with 34 of
the Indian Penal Code against the petitioner and his parents for
abducting the informant. In the said case, upon recovery the
statement of the victim (informant) was recorded under Section



164 of the Code of Criminal Procedure in which she had disclosed her age to be 18 years on 23.02.2018 whereas the Magistrate, who recorded her statement, has assessed her age to be 19 years. In her statement, she had categorically stated that her family members wanted to kill her by administering poison and, therefore, she had left her home out of her own sweet will and she had gone to Kolkata. She had also stated that she was not abducted by anyone.

He further contended that on completion of investigation, the police found the case launched against the petitioner and his parents to be false and a final report was submitted vide Charge-sheet No. 103 of 018 dated 31.03.2018. Thereafter, the instant case has been instituted on 12.03.2018 with false allegations made with regard to occurrence which took place on 10.10.2016. Lastly, he contended that the institution of the present case is nothing but an abuse of process of the court at the instance of the parents of the informant, who somehow or other wanted to ruin the career of the petitioner and took revenge from his family members.

Learned Additional Public Prosecutor for the State and learned counsel for the informant opposed the prayer for grant of pre-arrest bail to the petitioner. They submitted that



when the statement of the girl was recorded under Section 164 of the Code of Criminal Procedure, she was under the influence of the petitioner and his parents. However, subsequently, she realized her mistake and came out with the real story on which the instant FIR was instituted.

Be that as it may, regard being had to the facts and circumstances of the case and the submissions made above, the prayer is allowed. In the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional District Judge-1 , Saran at Chapra in connection with Mahila P. S. Case No. 09 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Kanchan/SkSuman.

U		T	
---	--	---	--

