

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29485 of 2018

Arising Out of P.S.Case No. -147 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

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Binod Mahto, Son of Suresh Mahto, Resident of Village- Kasim Samil,
P.S.- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 04-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Sessions Trial No.689 of 2017 arising out of Mirganj P.S.Case No.147 of 2016 registered for an offence under Sections 363, 366(A), 120(B) and 34 of the IPC.

The allegation as per written report is that this petitioner with the help of Pushpa Devi kidnapped the daughter of the informant aged about 15 years with intention to marry her.

It has been submitted that the doctor has assessed the age of the victim in between 18 to 19 years and so no offence under Section 363 of the IPC is made out.

The learned APP opposed the submission.

On going through the written report and the case diary, I



find that there is specific allegation that this petitioner and co-accused induced the kidnapped daughter of the informant. The victim was produced before the Magistrate where she has specifically alleged that this petitioner established physical relation forcibly. She has disclosed her age as 16 years and learned trial court has also assessed as such. The doctor has further assessed her age in between 18 to 19 years. It further appears that in course of investigation large number of witnesses have supported the allegation of kidnapping.

Considering the aforesaid facts and circumstances, prayer for bail is rejected.

(Sanjay Kumar, J)

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