

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40419 of 2018

Arising Out of PS.Case No. -167 Year- 2018 Thana -
MITHANPURA District- MUZAFFARPUR

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Sumit Kumar S/o Kant Lal @ Kant Lal Ram At present R/o
Mohalla - Juran Chhapra, Maiasthan P.S. - Brahampura,
Dsitric - Muzaffarpur , present Address - Mohalla -
Dharampur, Ward No. - 2, P.S. - Town, District -
Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-07-2018 The petitioner seeks bail in connection with

Mithanpura P.S. Case No. 167 of 2018 dated 21.05.2018

instituted for the offence under Sections 366(A) of the Indian

Penal Code.

The petitioner is alleged to have abducted the grand-
daughter of the informant.

The learned counsel for the petitioner has submitted
that the victim girl was recovered on the same day and she
has stated in her 164 Cr.P.C statement that she had gone to
Patna with the petitioner of her own volition and she was not
kidnapped by any person. Though the age of the victim girl
has been stated in the F.I.R as fourteen years but the victim



girl herself has got her age recorded as seventeen years. The learned Magistrate, who has recorded her statement under Section 164 Cr.P.C has assessed her age as sixteen years.

In any view of the matter, since the victim girl has not supported the allegation of kidnapping as against the petitioner, it has been argued, no offence under Section 366(A) I.P.C can be said to have been made out against the petitioner.

The petitioner is in custody since 22.05.2018.

Considering the aforestated facts, the petitioner above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East, Muzaffarpur in connection with Mithanpura P.S. Case No. 167 of 2018.

(Ashutosh Kumar, J)

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