

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 72249 of 2018

Arising Out of PS. Case No.-383 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

Dhiraj Kumar Sah @ Khatiwa, Son of Sri Dilip Sah, Resident of Village-
Tekari (Ismailpur), P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 11-12-2018

Heard both sides.

The petitioner seeks bail in Jagdishpur Police Station
Case No 383 of 2018 registered under Sections 363, 366A/34 of
Indian Penal Code.

The father of the victim alleged that his daughter, who
is studying in BA in S M College, Bhagalpur, had gone to
College but did not return.

Learned counsel for the petitioner submits that father
of the victim suspected that the petitioner might have kidnapped
his daughter but it is a love affair between the petitioner and the
daughter of the informant. Earlier his daughter filed case
against her father and others. Later on, she appeared and made
her statement under Section 164 of Criminal Procedure Code



(Annexure 3). The statement of the victim shows that she was consenting party and she moved around along with petitioner out of her free will and consent. Age of the victim has been assessed to be more than 18 years. The victim also disclosed her age to be 21 years in her statement under Section 164 of Criminal Procedure Code.

Considering the fact that the victim is major and from perusal of the statement of victim, it appears that she left her house with the petitioner out of her free will and consent, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in Jagdishpur Police Station Case No 383 of 2018.

(Prabhat Kumar Jha, J)

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