

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35165 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -PARAIYA District- GAYA

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1. Babloo Kumar son of Sri Jhunuk Manjhi, Resident of Village- Kasthua,
Police Station- Paraiya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-07-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Paraiya P.S.
Case No. 44/2018 dated 01.04.2018 instituted for the offence under
Section 366A of the Indian Penal Code.

The daughter of the informant went missing on
26.03.2018 and it was learnt by the informant that perhaps the
petitioner had enticed her away. The aforesaid F.I.R. was lodged
after five days of the daughter of the informant having gone missing.

During the course of the investigation, the victim was
recovered. In fact, the petitioner as well as the victim girl were
arrested together. Later, in her 164 statement, the victim girl has
turned a *volte face* and has stated that she was kidnapped by the
petitioner. However, she has stated that the petitioner did not subject
her to any sexual act but only wanted her to marry him, for which



she was not agreeable.

The learned counsel for the petitioner has submitted that this, obviously, is not possible without the tutoring of the parents of the victim girl, with whom she stayed for some time after having been intercepted and arrested. It has further been submitted that the depiction of the age of the daughter of the informant is incorrect. The victim was subjected to medical examination and the Medical Board has assessed her age to be 19 years. The petitioner had an affair with the daughter of the informant and only on her asking, the petitioner agreed to take her to a different place.

The petitioner is in custody since 03.04.2018.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Gaya in connection with Paraiya P.S. Case No. 44/2018.

(Ashutosh Kumar, J.)

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