

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15973 of 2018

Arising Out of PS.Case No. -306 Year- 2016 Thana -GAYA KOTWALI District- GAYA

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1. Chhotu Kumar S/o Murari Prasad, R/o Mohalla- Utri Goal Bagicha, P.S.-
Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-04-2018

Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Kotwali P.S. Case No. 306/2016 dated 10.09.2016 instituted for the offence under Section 366(A) of the Indian Penal Code.

The daughter of the informant is alleged to have been enticed away by one Raju @ Bauwa of the same locality. During the course of investigation, the victim came back and gave her statement under Section 164 of the Cr.P.C. After narrating about the manner in which aforesaid Raju made her talk to him on telephone and thereafter took her to Lucknow, she has stated that on way from Mugalsarai, only she and Raju went further. Later, before Lucknow, one of the relatives of Raju informed her and Raju that the informant has already reached Delhi. Therefore, the victim as well as Raju did



not go further and came back to Mugalsarai via Varanasi. They stayed at village Gahmar where the petitioner and one Subodh were also present. At one place, in her statement under Section 164 of the Cr.P.C., the victim has stated that the petitioner had taken Rs. 3,000/- from her for expenses.

From the statement made under Section 164 of the Cr.P.C. by the victim, it becomes very clear that no force or coercion was exercised upon her for remaining with Raju for all the while that the couple were on the run. It has also not been stated by her that any effort was made by the petitioner or for that matter any person to put the victim under any kind of discomfort or disadvantage. It further appears from her statement that she consented to go with Raju.

The age of the victim has been assessed to be between 17-18 years, i.e. approaching the age of majority.

Taking into account the fact that Raju, the main accused, has already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner, who is the brother of aforesaid Raju.

For the aforestated reasons, the petitioner above named is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 306/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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