

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39778 of 2018

Arising Out of PS.Case No. -266 Year- 2016 Thana -SIRDALA District- NAWADA

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Vipin Rajbanshi @ Vipin Kumar S/o Umesh Rajbanshi, R/o Vill.- Mahadeo
Bigha, P.S.- Hisua, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 10-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
366A/34 of the Indian Penal Code.

The prosecution case as per the written report
of Mahesh Rajbanshi submitted to the Station House Officer,
Sirdala P.S. is to the effect that the daughter of the informant,
Priti Kumari aged about 14 years went missing since 03.11.2016
when she went to school. It is alleged that the petitioner used to
harass the informant's daughter while going to school. On
enquiry the informant came to know that the petitioner has
enticed away his daughter.



It is submitted by learned counsel for the petitioner that in the statement under Section 164 Cr.P.C. the victim got her age recorded as 19 years when the Court has assessed as 18 years, where she has stated that she was in love with the petitioner since the last 2-3 years and now she has performed marriage with him. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the thrust of accusation is against the petitioner.

Considering the fact that in the statement under Section 164 Cr.P.C. the victim got her age recorded as 19 years when the Court has assessed her age as 18 years, she has stated that she married with the petitioner coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Sirdala P.S.



Case No. 266 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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