

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25632 of 2018

Arising Out of PS.Case No. -93 Year- 2017 Thana -HATHAURI District-
SAMASTIPUR

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Mahesh Panjiyar, Son of Late Suraj Panjiyar, Resident of
Village-Bajitapur, P.S.-Manigachhi, District-Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Adv.
Mr. Deepika Sharma, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 17-05-2018 The petitioner seeks bail in connection with
Hathauri P.S. Case No. 93 of 2017, dated 09.11.2017,
instituted for the offences punishable under Sections 363,
366A and 34 of the Indian Penal Code.

The father of the victim girl has alleged in the
First Information Report (*in short the **F.I.R.***) that on
05.11.2017, when he along with his family members had
gone to a neighbouring village for participating in a feast, the
petitioner and his family members came on a vehicle and
took away his daughter Phool Kumari, aged about 13 years.



This was witnessed by one of the relatives of the informant, who made some hue and cry. However, despite that, the daughter of the informant was abducted.

The case, regarding the occurrence, has been lodged on 09.11.2017.

Learned counsel for the petitioner has submitted that if on the same day of the occurrence, one of the relatives of the informant had seen the petitioner and others taking away the victim girl, there was no reason for the informant to have waited till 09.11.2017 to lodge the case. In that view of the matter, the explanation given in the F.I.R. regarding delay in lodging of the F.I.R. does not appear to be believable.

The victim girl, in her statement under Section 164 Cr.P.C., has supported the prosecution version and has alleged that she was abducted against her wishes and was kept in confinement in Delhi in presence of the petitioner.

Learned counsel for the petitioner, however, submits that the aforesaid statement was made on 30.01.2018 in which, the victim has disclosed her age as 15 – 16 years.

The aforesaid statement appears to have been made on the tutoring of the informant.

The petitioner is stated to be the maternal uncle



(*Mausa*) of the victim girl and the reason for falsely implicating the petitioner and the other members of his family lies elsewhere.

The petitioner is in custody since 09.01.2018.

Regard being had to the fact that the victim has returned and has not complained about her having been sexually assaulted during the period of her confinement as well as the period of custody of the petitioner and his relationship with the victim and the informant, he is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rosera in connection with Hathauri P.S. Case No. 93 of 2017.

(Ashutosh Kumar, J)

Praveen-II/-

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