

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2336 of 2019**

Arising Out of PS. Case No.-116 Year-2018 Thana- KORANSARAI District- Buxar *

Mantu Pandey @ Shri Kant Pandey aged about 25 years, Gender (Male) S/o
Late Rangnath Pandey Resident of Village-Chuar, P.S. Koran Sarai District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh

For the Opposite Party/s : Mr. Dilip Kumar (APP 19)

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 06-03-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with Koran
Sarai P.S. Case No. 116 of 2018 registered under Sections
363/366(A) of the Indian Penal Code.

Minor girl of the informant is said to have taken
by one Rakhi Devi on the pretext of giving her accompany in
getting the medical aid and on the way, she got her taken away
by the petitioner Mantu Pandey.

It is submitted by learned counsel for the
petitioner that the petitioner is quite innocent and has committed
no offence. No such occurrence as alleged ever took place. As
a matter of fact, the victim is a major girl and she has *suo motu*
eloped with the petitioner and on mounting pressure by her
parents, she has given wrong statement under Section 164



Cr.P.C. to the effect that the petitioner taking her put vermilion on her head. On medical examination, the victim was found aged about 18-19 years i.e. major. There is no allegation of any sexual assault on the victim at the hand of the petitioner. As the petitioner happens to be major, hence, Section 366(A) I.P.C. is not applicable in the case under hand. Petitioner has no criminal antecedent and has been languishing in custody since 10.10.2018.

On the other hand, learned APP for the State opposing the bail prayer of the petitioner submitted that the victim happens to be minor and is said to have kidnapped by the petitioner, who put vermilion on her head. Hence, he does not deserve bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Koran Sarai P.S. Case No. 116 of 2018.

(Prakash Chandra Jaiswal, J)

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