

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4123 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- SIKTA District- West Champaran

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Jagdeo Sah aged about 57 years (male), S/o Late Shankar Sah, R/o Sirisiya
Nawka Tola, P.S.- Sikta, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
03.08.2018 in a case registered for the offences punishable
under Sections 366A and 34 of the Indian Penal Code.

The prosecution case as per the written report of
Sehrun Nisha submitted to S.I., Sikta Police Station is to the
effect that in the written report, it has been alleged that for the
purpose of marriage, the daughter of the informant, aged about
17 years has been kidnapped by Jagdeo Sah, petitioner and co-
accused Triloki Sah, son of the petitioner, who came on two



motorcycles and on chase being made, one of the motorcycles bearing registration number BR22B-6318 has been caught.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the son of the petitioner, Triloki Sah. It is further submitted that in the statement under Section 164 of the Cr.P.C., the victim recorded her age as 20 years, whereas it has been assessed as 19 years by the Court. In the statement, it has been stated by victim girl that she was not being kidnapped either by the petitioner Jagdeo Sah nor by co-accused Triloki Sah rather she was kidnapped by Sheikh Abdul, Salma Nehal Sheikh, Istekhar Sheikh and Motihur Rehman@ Bhutenda. She has further stated that she has performed marriage with the co-accused Triloki Sah. It is further submitted that son of the petitioner, Triloki Sah has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 31.08.2018 passed in Cr. Misc. No. 51076 of 2018.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that in 164 Cr.P.C., the statement recorded under Section 164, of the Cr. P.C. the victim girl has not named the petitioner and the son of the informant has been granted



anticipatory bail by Co-ordinate Bench of this Court, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **SDJM, Bettiah, West Champaran** in connection with **Sikta, P.S. Case No. 04 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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