

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7537 of 2019

Arising Out of PS. Case No.-294 Year-2018 Thana- KESARIA District- East Champaran

Rambhu Ram, Son of Jagdish Ram, Resident of Sundarapur, P.S. Keshariya,
District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-02-2019 Heard both sides.

Petitioner apprehends his arrest in Kesariya P.S. Case No.294 of 2018 registered under Section 366 of the Indian Penal Code.

The informant, husband of the victim, alleged that on 19.07.2018, his wife was walking with his three years minor son on the road but Rambhu Ram, the petitioner, kidnapped her with the child and took her away on a four wheeler.

Learned counsel for the petitioner submits that the occurrence took place on 19.07.2018 but the informant gave his fardbeyan on 21.07.2018. The victim went away out of her free will. The victim made her statement under Section 164 Cr.P.C. but did not disclose the name of any person. It is further submitted that from the statement of the victim, this fact is



apparent that the victim moved around and went to Kerala without any resistance of being kidnapped. Her husband took her from Kerala and only thereafter she made her statement under Section 164 Cr.P.C. but she did not disclose the name of the petitioner.

Taking into consideration the facts that the victim herself made her statement on her return from Kerala but she did not disclose the name of the petitioner and from the contents of the statement of the victim, it appears that the victim was a consenting party, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order 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 CJM, East Champaran at Motihari in connection with Kesariya P.S. Case No.294 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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