

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13401 of 2019

Arising Out of PS. Case No.-526 Year-2018 Thana- MAJHAULIA District- West Champaran

Bhola Prasad, S/o Late Vishwanath Prasad, R/o Village- Ahwar Sheikh,
Chudiharwa Tola, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
16.11.2018 in a case registered for the offence punishable under
Section 366A/34 of the Indian Penal Code.

The prosecution case as per the written report of
Manu Sahani submitted to SHO, Majhauria Police Station is to
the effect that on 15.11.2018 in the midnight, when the
informant woke up, he found his daughter Reena Kumari, aged
16 years was missing. Thereafter, search was made and when
she was not found, it was suspected that she has been kidnapped



by co-accused Munna Prasad, Mukesh Prasad and Bhola Prasad (the petitioner).

It is submitted by learned counsel for the petitioner that in fact, the victim Reena Kumari has got her statement recorded under Section 164 of the Cr.P.C., wherein she has got her age recorded as 18 years, whereas the Court assessed her age as 16 years. She further stated that in her statement under Section 164 Cr.P.C., that her parents tried to get her married with a person, who was already married and having two children, hence she escaped from the house and went to one Vikash Kumar and married him. It is further submitted that the victim girl has not named the petitioner in her statement under Section 164 Cr.P.C. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that the victim girl has not named the petitioner in the statement under Section 164 of the Cr.P.C. and investigation has already been concluded, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, 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 **CJM, Bettiah, West Champaran** in connection with **Mahaulia P.S. Case No.526 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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