

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17327 of 2019

Arising Out of PS. Case No.-111 Year-2018 Thana- DHANSOI District- Buxar *

KHURSHID MINYA son of Kudush Ansari, Resident at Balian, P.S.- Natwar,
District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhinay Raj

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 23.09.2018 in a case registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Somaru Sah submitted before the Station House Officer, Dhansoi Police Station is to the effect that the informant's daughter Paramsheela Devi, aged about 23 years was married with Vikash Kumar about three years prior to lodging of the present case. On 22.09.2018, the informant came to know that her daughter has been enticed away by the petitioner. On alarm being raised, the petitioner escaped from the scene and the daughter of the informant was recovered



from Samhuta main road, who disclosed the name of the petitioner. Thereafter, the police was informed.

It is submitted by learned Sr. counsel for the petitioner that the prosecution case becomes improbable from the fact that the informant was informed that his daughter has been enticed away and subsequently she was recovered from Samhuta main road and the victim only suggested that the person who escaped from the scene was the petitioner and nothing else. It is further submitted that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. though after two days of the alleged occurrence, wherein she has recorded her age as 23 years and she has further stated that the petitioner used to make calls through mobile phone and wanted to marry her and he also threatened to kill her husband. The entire 164 Cr.P.C. statement of the victim suggests that the victim went in the company of the petitioner on her own. Hence, no case under Section 366 of the I.P.C. is made out. 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 victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.



Considering the FIR and the statement of the victim girl recorded under Section 164 of the Cr.P.C., it appears that the victim and the petitioner had some relationship from before and statement under Section 164 of the Cr.P.C. *prima facie* does not suggest the case of kidnapping and the investigation already being 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 Sessions Judge, Buxar in connection with Sessions Trial No. 309 of 2018, arising out of Dhansoi P.S. Case No.111 of 2018.

(Dinesh Kumar Singh, J)

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