

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34619 of 2019**

Arising Out of PS. Case No.-35 Year-2019 Thana- WAJIRGANJ District- Gaya

Gautam Kumar, Son of Bhusan Mistri @ Bhushan Mistri, Resident of Village
- Budhghariya, P.S.- Wazirganj and Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 28-05-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 27.02.2019 in a case initially registered for the offences punishable under Section 363 of the IPC, subsequently Section 366A of the IPC was also added.

The accusation is of kidnapping the daughter of the informant.

It is submitted by learned counsel for the petitioner that the FIR was lodged against the unknown persons. Subsequently, during investigation, the victim got her statement recorded under Section 164 Cr. P.C., wherein she got her age recorded as 19 years whereas the Court also assessed her age as such. Though, as per the medical opinion, the age of the victim has



been assessed between 17 to 18 years. The victim, in her statement recorded under Section 164 Cr. P.C., has stated that she on her own went from Gaya to Patna and from Patna to Mumbai and she is in love with the petitioner with whom she has performed marriage on 05.02.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that as per the education certificate, the victim is minor.

Considering the statement of the victim recorded under Section 164 Cr. P.C., which negates the accusation of kidnapping and the medical report which suggests that the victim is major, coupled with the 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-I, Gaya in connection with Wazirganj P.S. Case No. 35 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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