

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77016 of 2018

Arising Out of PS. Case No.-149 Year-2018 Thana- GOGRI District- Khagaria

Neeraj Kumar Son of Raj Kishore Chaurasia, resident of Village- Bari
Maliya, P.S. Gogari, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram
For the Opposite Party/s : Mr.Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
31.05.2018 in a case registered for the offence punishable
under Sections 366A/34 of the Indian Penal Code.

The prosecution case is that on 25.04.2018 at 8.00
P.M., the daughter of the informant namely, Chandni Kumari
aged about 15 years went out of the house, but she went
traceless. Subsequently, during search, the informant came to
know that her daughter was enticed away by co-accused
Abhinav Kumar, along with the petitioner and co-accused
Mithilesh Kumar on a motorcycle.

It is submitted by learned counsel for the petitioner
that the victim in her statement recorded under Section 164 of



the Cr.P.C. has got her age recorded as 21 years, whereas the learned Court below has assessed her age as 18 years. She has further stated that she left the house of her own sweet will and she was in love with co-accused Abhinav Kumar and she has performed marriage with him. 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 after going through the case diary submits that there is specific accusation against the petitioner. However, he further submits that the statement of the victim recorded under Section 164 of the Cr.P.C. is not available with case diary which is up to 25.07.2018.

Considering the aforesaid fact, 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, Khagaria, in connection with Gogari P.S. Case No. 149 of 2018.

However, the learned Court below will accept the bail bonds of the petitioner after verifying the factum of the statement of the victim recorded under Section 164 of the



Cr.P.C., otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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