

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66017 of 2018

Arising Out of PS. Case No.-66 Year-2016 Thana- Hathauri District- Muzaffarpur

Sanjay Rai son of late Chandeshwar Rai, Resident of Village- Parahea, P.S.
Sheohar, District- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar
For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 05-03-2019 The sole petitioner, apprehending his arrest in Hathauri P.S. Case No. 66 of 2016 registered for offence under Sections 363, 366, 366(A), 120(B) of the Indian Penal Code (arising out of Complaint Case No. 967 of 2016), has prayed for grant of bail in the event of his arrest or surrender.

The complainant in the complaint petition had alleged that his minor daughter was enticed by the petitioner and the petitioner had kidnapped her for the purpose of marriage. The said complaint was referred to the police for its registration and thereafter, the present F.I.R. was lodged.

In this case, by order dated 19-12-2018, copy of case diary was called for, which has been received and kept on record. Besides this, on perusal of order dated 29-08-2018, whereby the prayer for anticipatory bail petition was rejected by



learned Sessions Judge, Muzaffarpur, it is evident that during investigation, the victim girl was recovered and her statement under Section 164 of the Cr.P.C. was recorded, in which, she stated that she had voluntarily solemnised marriage with the petitioner.

Sri Ganesh Prasad Singh, learned Addl. Public Prosecutor has opposed the prayer for bail, however; he has not disputed the fact that during investigation, the victim was recovered and her statement under Section 164 of the Cr.P.C. was recorded.

On perusal of the case diary, it is evident that the victim was got medically examined and her age was assessed in between 16 and 17 years. The statement of the victim, recorded under Section 164 of the Cr.P.C., has also been incorporated in paragraph – 29 of the case diary. In such situation, there is no reason to refuse the prayer for anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Sanjay Rai 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 learned Additional Chief Judicial Magistrate cum Sub-Judge 10th, Muzaffarpur in connection with



Hathauri P.S. Case No. 66 of 2016, subject to condition as laid
down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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