

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47897 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- BIHIA District- Bhojpur

TIN KALASH MIYAN, Son of Bilak Miyan Resident of Village - Station Road, Bihiya, P.S.- Bihiya, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366A/34 of the IPC.

The prosecution case, as per the written report of Tej Narayan Singh, dated 01.03.2019 submitted to the Station House Officer, Bihiya Police Station, is to the effect that fourteen years old minor daughter of the informant was enticed away by the petitioner.

It is submitted by learned counsel for the petitioner that though the victim, in her 164 Cr. P.C. statement, got her age recorded as 14 years, whereas the Court also assessed her age as such, but as per the medical opinion, the age of the victim has been assessed between 17 to 18 years. The victim, in her 164 Cr.



P.C. statement has not stated that she was kidnapped, rather she stated that she on her own, went in the company of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the doctors assessed the age of the victim between 17 to 18 years and the victim, in her 164 Cr. P.C. statement, has not supported the accusation of kidnapping, 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Ara in connection with Bihiya P.S. Case No. 61 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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