

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58877 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Gourav Kumar @ Raja @ Kumar Gaurav Son of Madhukar Ranjan Resident
of Village-Kundi Tola, P.S.-Nath Nagar (Lalmatia), District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366A, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Vijay Sah is to the effect that his minor daughter Vandana Kumari, aged about 17 years, was enticed away on 26.05.2019 at 5.00 A.M. and subsequently, when the informant went to the house of the petitioner to inquire about it, he was being abused by the petitioner.

It is submitted by learned counsel for the petitioner



that the victim was major on the day of alleged occurrence as gets reflected from the medical opinion as she has been assessed above 18 years age. Moreover, the victim has denied the accusation of kidnapping rather stated that she is having physical relation with the petitioner voluntarily from before. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that though in 164 Cr.P.C. statement the victim has stated that she went in the company of the petitioner but the accusation is specific against the petitioner in the FIR.

Considering the fact that as per the medical opinion the victim's age has been assessed above 18 years, whereas in the statement recorded under Section 164 Cr.P.C. the victim has got her age recorded as 18 years when the Court has assessed as 17 years and the fact that she has denied the factum of kidnapping, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Bhagalpur in connection with Nathnagar (Lalmatia) P.S. Case
No. 252 of 2019, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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