

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70850 of 2019

Arising Out of PS. Case No.-527 Year-2019 Thana- BANKA District- Banka

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Anshu Rajak, S/o Dilip Rajak, R/o village- Vijaynagar, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
03.09.2019 in a case registered for the offence punishable under
Section 366A of the Indian Penal Code.

The prosecution case is that on 24.07.2019 at 12.00
P.M. the informant's daughter, Mausam Kumari, aged about 15
years went missing. Subsequently, it was found that the
petitioner, Anshu Rajak was could not be found in his house and
it is alleged that the petitioner enticed away the daughter of the
informant.

It is submitted by learned counsel for the petitioner



that in the statement recorded under Section 164 Cr.P.C., the victim has stated that she on her own, went in the company of the petitioner and has performed marriage and is residing with the petitioner and in-laws family. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner and it is alleged by the informant that the victim was minor.

From perusal of statement recorded under Section 164 Cr.P.C. it reflects that the victim has got her age recorded as 19 years whereas the Court has assessed her age as 18 years and she has further stated that she on her own went in the company of the petitioner, has performed marriage with the petitioner and is residing at her in-laws house.

Considering the fact that the statement recorded under Section 164 Cr.P.C. completely negates the accusation and statement being made in paragraph 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 Chief Judicial



Magistrate, Banka in connection with Banka P.S. Case No. 527
of 2019.

(Dinesh Kumar Singh, J)

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