

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69840 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Chandrapal Kumar @ Chandrapal Sahni, Son of Umesh Sahni, Resident of
Village - Govindpur, P.S.- Sahebpur kamal, Distt.- Begusarai. At Present
Resident of Village - Manjhaul, P.S.- (Manjhaul O.P.), Cheriya- Bariyarpur,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 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 363 and
366A/34 of the Indian Penal Code.

The prosecution case as per the written report of Ram
Narain Poddar is to the effect that on 22.06.2019 the petitioner
enticed away the daughter of the informant namely, Sadhana
Kumari.

It is submitted by learned counsel for the petitioner
that for the alleged occurrence of 26.06.2017, the FIR was
registered on 02.07.2019. The victim in her statement recorded



under Section 164 Cr.P.C. has got her age recorded as 18 years when the Court has assessed her age as 17 years and she has denied the factum of kidnapping and she has performed marriage with the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that thrust of accusation is against the petitioner.

Considering the fact that the victim has denied the factm of kidnapping in her statement recorded under Section 164 Cr.P.C. 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 anticipatory bail **provisionally for three months since there is no medical report on record**, 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 A.C.J.M., Manjhaul, Begusarai in connection with Cheriabariyarpur P.S. Case No. 101 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be



confirmed by the learned Court below, if during medical examination the victim is found major, otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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