

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9079 of 2020

Arising Out of PS. Case No.-242 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Chandan Kumar @ Chandan Giri

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-07-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 8.10.2019 in a case registered for the offences punishable under Sections 366A/34 of the IPC. Hence, prayer for bail has been made.

The prosecution case, as per the written report of Maya Devi submitted to the SHO, G.B. Nagar (Tarwara) Police Station is to the effect that on 2.9.2019 at 2.00 P.M., the daughter of the informant (changed name X) aged 15 years, went to market to bring certain articles, but she was being kidnapped by the petitioner and his father co-accused Yogendra Giri, Ravindra Giri and co-accused Ramesh Giri, both relatives of the petitioner. It is alleged that kidnapping of the victim girl



was made for the purpose of performing marriage.

It is submitted by learned counsel for the petitioner that the victim girl has got her age recorded as 18 years in her statement under Section 164 of the Cr.P.C. when the Court has assessed her age as 17 years whereas medical board has assessed her age as 16-17 years. From the statement of the victim girl under Section 164 of the Cr.P.C., it appears that she was being kidnapped by the petitioner but from her subsequent statement, it appears that she was staying with the petitioner at Delhi on her own and subsequently, she came back alone which suggests that she was not under confinement by the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The investigation has already been concluded.

Learned APP submits that the victim has named the petitioner and his paternal uncle in her statement under Section 164 of the Cr.P.C. to have kidnapped her. During medical examination, the victim has been found minor.

Considering the fact that the factum of kidnapping has been supported by the victim in her statement under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner for the present in connection with G.B. Nagar P.S.



Case No. 242 of 2019 pending in the Court of the learned CJM,
Siwan. Prayer of the petitioner for bail is accordingly rejected.

However, the petitioner may renew his prayer for bail
after framing of charge.

(Dinesh Kumar Singh, J)

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