

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65184 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- HATHAURI District- Muzaffarpur

SATISH KUMAR Son of Naval Ray @ Naval Kishore Rai Resident of
Village-Adampur Doyam (Bhavanipur), P.S.-Hathauri, District-Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Firoz Ahmad

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Hathauri P.S. Case No. 91 of 2019, registered for the offence punishable under Sections 363 and 366(A) of the Indian Penal Code.

The case of the prosecution is that while the informant along with his minor daughter aged about 16 years had reached at Bhavanipur in the evening on 28.5.2019 and were moving towards the village, the petitioner and some other accused persons had surrounded them whereafter, they had forcibly made the daughter of the informant sit on the motorcycle and then, they had fled away, thereby kidnapping the minor daughter of the informant.

The learned counsel for the petitioner has submitted that



the petitioner has been falsely implicated in the present case, he is having a clean antecedent as also he is having no complicity in the alleged occurrence. The learned counsel for the petitioner has also referred to the statement made by the victim girl under Section 164 Cr.P.C. to show that she had voluntarily eloped with the petitioner herein and had then gone to Delhi and had also solemnized marriage with the petitioner in a temple at Kolkata as also the victim girl has stated in her statement that she wants to live with the petitioner.

I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that the victim girl is aged about 16 years and no material has been produced by the prosecution to show otherwise, hence, a case of kidnapping is definitely made out inasmuch as consent of the minor victim girl is no consent in the eyes of law. A bare perusal of the FIR as also the statement of the minor victim girl made under Section 164 of the Cr.P.C. before the learned Magistrate definitely shows the complicity of the petitioner in the alleged crime, hence, I do not find any merit in the present case, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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