

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30841 of 2020**

Arising Out of PS. Case No.-460 Year-2019 Thana- PATRAKARNAGAR District- Patna

MD. ARMAN Son of Md. Kalam Resident of Kosi Colony, Ward No. 16,
P.O.- Araria, P.S.- Araria, District - Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 29-01-2021 Heard both sides.

The petitioner apprehends his arrest in Patrakar Nagar
P.S. case No. 460/2019 registered under Section 366(A) of the
IPC.

The informant alleged that his daughter was missing
since 22.06.2019 from the house of her aunt situated in
Hanuman Nagar, Patna. The informant suspects that petitioner
was on talking term with the victim and the petitioner might
have enticed his daughter.

The learned counsel for the petitioner submits that, of
course, the victim is minor on the date of occurrence but she is
just short of four months of getting her majority. From the
statement of the victim recorded u/s 164 of the Cr. P. C., it
would appear that the victim left her house out of her own free



will and went to Pune along with petitioner. There is no averment in the statement of victim that petitioner either persuaded her or enticed her to accompany him. The victim herself appeared in the court and she is willing to live with the petitioner. It is further submitted that the doctor assessed the age of the victim 17-19 years.

The learned APP also submits that victim left her house at her own free will.

Of course the victim is minor according to entry of her date of birth in the school leaving certificate but on perusal of the statement of the victim recorded u/s 164 of the Cr. P. C. there appears that the victim voluntarily left her house and she has not stated anywhere that the petitioner at all enticed her or persuaded her to accompany him to Pune.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in



connection with Patrakar Nagar P.S. case No. 460/2019, subject
to conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Prabhat Kumar Jha, J)

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