

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20603 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- DAGARUA District- Purnia

MD EHSAN S/o Md. Haphiz Resident of Village- Lokani Dagarua, P.S.-
Dagarua, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Adv. Mr.Dr. Bidhu Ranjan
For the Opposite Party/s :		Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-11-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 366(A) of the Indian Penal Code.

As per F.I.R., this petitioner is alleged to have kidnapped the victim girl for the purpose of marriage.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R. Name of the petitioner transpired in the statement of victim recorded under Section 164 Cr.P.C. There is contradiction in the statements of the victim recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C. In the statement recorded under Section 161 Cr.P.C., the victim stated that she out of her own sweet will went to the work place of Md. Naim at



Muradabad and in the statement recorded under Section 164 Cr.P.C., she has stated that she was forcibly taken by this petitioner on a motorcycle and brought her to Md. Naim. She disclosed her age as 19 years, whereas the court has assessed her age as 18 years. In the medical report, doctor has not found any sign of sexual assault. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the fact that there is no allegation of sexual assault against this petitioner and the fact that victim is major in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged 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 Sessions Judge, Purnea / concerned court in connection with Dagarua P.S. Case No. 237 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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