

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39479 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- MAHINDWARA District- Sitamarhi

ASHU KUMAR @ ASHUTOSH RAJ @ ASU KUMAR Son of Ramesh Prasad @ Ramesh Prasad Yadav Resident of Village - Sugri Dih, P.S. - Mahindwara, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr. Alok Kumar Alok, Adv. |
| For the Opposite Party/s | : | Mr. Rajendra Singh, APP   |
| For the informant        | : | Mr. Uday Kumar, Adv.      |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      15-02-2022                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366A and 34 of the Indian Penal Code.

As per the prosecution case, the three accused persons including the petitioner herein kidnapped the sister of the informant either for the purpose of selling her or for the purpose of prostitution.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The sister of the informant returned and her statement was recorded under section 164 Cr. P.C. wherein she has described her age to



be 17 years 9 months i.e close to being a major. She has categorically stated therein that she went with the petitioner out of her own free will and married the petitioner. On coming to know about the case, she has returned back. She wants go with the petitioner.

The application for bail is opposed by learned A.P.P. for State and learned counsel for the informant who submits that the victim is a minor.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the contents of the statement under section 164 Cr.P.C., the Court directs the petitioner to be enlarged on bail in connection with Mahindwara P.S. Case no. 149 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

**(Partha Sarthy, J)**

Bibhash

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