

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65747 of 2022

Arising Out of PS. Case No.-133 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

Akhilesh Sada, Son of Uttam Sada, Resident of Village - Bais Lagma, P.S. -
Ghanshyampur, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, if any,

be removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and

apprehending his arrest in connection with Ghanshyampur P.S.

Case No. 133 of 2020 registered for the offences punishable

under Section 366(A)/34 of the Indian Penal Code.

The allegation against petitioner is to kidnap the

minor daughter of informant, aged about 14 years for the

purpose of illicit intercourse/marriage.

It is submitted by learned counsel appearing on behalf

of the petitioner that the victim solemnized her marriage out of



her own sweet will with petitioner and she becomes mother of one child. It is further submitted that while recording her statement under Section 164 of Cr.P.C. victim denied the factum of kidnapping and sexual assault/penetrative sexual assault as well. It is also submitted that as per medical examination report, her age is between 16-17 years, whereas while recording her statement under Section 161 of Cr.P.C. during course of investigation, she specifically deposed her age about 18 years as mentioned in para 25 of the case diary. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP, opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of fact, as victim denied kidnapping and sexual assault/penetrative sexual assault through her statement recorded under Section 164 of Cr.P.C., accordingly, above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Biraul, District- Darbhanga /concerned Court, where the case



is pending in connection with Ghanshyampur P.S. Case No. 133
of 2020, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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