

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2808 of 2015

Arising Out of PS.Case No. -256 Year- 2014 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Deepak Kumar Son of Mahendra Ram Resident of Village - Bangali
Para, Rajgir P.S- Rajgir, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 22-01-2015 Vakalatnama is filed on behalf of the petitioner.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The statement of victim has been recorded under
section 164 of the Cr. P.C in which she stated nothing about her
kidnapping rather she solemnized her marriage with the petitioner
at her own sweet will. Moreover, according to the prosecution
case itself, the present occurrence took place on 12.09.2013
whereas first information report was lodged on 17.11.2014 that is
more than after one year of the alleged occurrence but it is
surprisingly enough that the learned Sessions Judge did not
consider the above stated fact but only on the ground of so called

birth certificate produced on behalf of the informant rejected the prayer for bail of the petitioner.

In my view, learned Sessions Judge, passed the impugned order in very casual manner without applying his judicial mind, therefore, learned Sessions Judge is warned to be more cautious and circumspect at the time of passing bail orders.

Accordingly, above named, petitioner is directed to be released on bail, on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Bihar Sharif, Nalanda in connection with Rajgir P.S.Case No. 256 of 2014.

(Hemant Kumar Srivastava, J)

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