

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10628 of 2015

Arising Out of PS.Case No. -141 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Gonu Rai @ Ganu Rai S/o Kodai Rai, Resident of village- Govindpur,
P.S.- Turkaulia, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 18-05-2015 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is facing accusation punishable under
sections 363 and 366-A/34 IPC in connection with Turkaulia P.S.
Case No. 141/14 and seeks bail.

The 17-year-old daughter of the informant had gone
missing on 27.02.2014. It took 14 days for the informant to lodge
a case of her missing with further allegation that she was living in
the house of the petitioner. The petitioner along with victim girl
were residing in Punjab and came back home for the statement of
the girl which was recorded on 04.04.2014 wherein she stated that
on the date of occurrence she had come out of her house to
commit suicide but she was saved by the petitioner who later
forced her to marry with him. They established physical
relationship as a result whereof she became pregnant.

Counsel for the petitioner highlighted the two aspects
of the mater. Firstly, the FIR was lodged after 14 days of the

occurrence and secondly, according to the informant, the daughter was 17 years old. While recording the statement of the victim girl the learned Magistrate estimated/assessed her age as 18 years. It is the petitioner who along with the victim came back home only to face trial and to record the statement of the victim girl. The petitioner is languishing in jail since 21.05.2014.

In the facts and circumstances of the case, the petitioner abovenamed is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in Turkaulia P.S. Case No. 141/14 on condition that one of the bailors shall be his own/close family member. In the event of framing of charge the petitioner shall appear in person on each date fixed at the trial. Failure in appearance on two consecutive dates shall lead to cancellation of his bail bonds.

(Kishore Kumar Mandal, J)

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