

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30773 of 2015

Arising Out of PS.Case No. -6 Year- 2015 Thana -ASHOK PAPER MILL District- DARBHANGA

1. Vijay Kumar Giri @ Vijay Giri Son of Uma Giri resident of village -
Pator, Police Station Ashok Paper Mill, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Mr. Anish Chandra(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 02-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 365, 366 and 120 B of the I.P.C

Soshmita Kumari aged 14 years the daughter of the
informant and Babi Kumari have gone to fill up the form of
matriculation examination at Girls Project High School, Anandpur
and the informant returned from the school and thereafter his
daughter became traceless and only cycle was there. During
investigation the victim was recovered from Delhi along with the
petitioner.

Submission is of false implication and that the victim
is major and the doctor has found her age 17 to 18 years. She was
having love affairs with the petitioner and went out of her own

sweet will. The statement of the victim has been recorded under section 164 of the Cr.P.C. after much delay. The petitioner is student of graduation. The victim has not stated that she was sexually assaulted by the petitioner rather she has only stated that the petitioner tried to develop illicit relation and for that the petitioner by remaining in custody since 06.02.2015 has been sufficiently penalized, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the doctor has found her age 17 to 18 years and she has not stated regarding rape committed by the petitioner and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Darbhanga in A.P.M. P.S. Case No. 06 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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