

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36938 of 2015

Arising Out of PS.Case No. -416 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

=====

Md. Jiaul @ Jiwaul Haque Son of Md. Mahmood, resident of Village-
Bhadaija, Police Station Mffasil, disrict Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-09-2015 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The allegation against the petitioner is that he established
physical relation with the informant on false promise of marriage.

Learned counsel for the petitioner submits that the
statement of the victim was recorded under Section 164 of the
Code of Criminal Procedure in which she stated a different story
and when the protest petition was filed on behalf of the informant,
again a different story was mentioned in the petition. It is further
submitted by him that earlier the petitioner came before this Court
for anticipatory bail but the prayer for anticipatory bail of the
petitioner was rejected directing to surrender and seek regular bail
before the court below and the court below was directed to
consider the regular bail application of the petitioner keeping in
mind the argument advanced before this Court at the time of
hearing of anticipatory bail.

Learned counsel for the petitioner further submits that
pursuant to the order of this Court, the petitioner surrendered

before the court below and prayed for regular bail but his regular bail application was rejected.

Learned counsel for the informant vehemently opposed the prayer submitting that the victim has specifically levelled allegation of rape against the petitioner and further more, the victim was found minor by the Medical Board.

Learned counsel for the petitioner has also drawn attention of this Court towards Annexure-5, which is a Marks Sheet of the informant issued by the Bihar School Examination Board, Patna and submitted that the date of birth of the informant in the aforesaid Marks Sheet has been entered as 09.04.1996 and therefore, the victim was major at the time of the alleged occurrence.

Considering the facts and circumstances of the case and submissions made on behalf of the parties, petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Moffasil P. S. Case no. 416 of 2014.

(Hemant Kumar Srivastava, J)

sudip/-

U		T	
---	--	---	--