

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21572 of 2015

Arising Out of PS.Case No. -181 Year- 2014 Thana -LAUKHI District- MADHUBANI

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Pintu Yadav @ Surendra Kumar Yadav @ Pitu Yadav, Son of Ramashish Yadav, Resident of Village- Dangeraha, P.S.- Laukahi, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Harendra Pd. (App)
Mr. Gagandeo Yadav, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 09-10-2015 Heard Sri Manish Kumar, learned counsel for the petitioner, Sri Harendra Prasad, learned Addl. Public Prosecutor and Sri Gagandeo Yadav, learned counsel, who has voluntarily appeared on behalf of the informant.

The petitioner, who is in custody since 06.12.2014 in connection with Laukahi P.S. Case no.181 of 2014, G.R. No.29 of 2014, registered for the offence under Sections 341,323, 504, 506, 376, 120(B) of the Indian Penal Code and Section 4 of the POSCO Act, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that from the F.I.R. itself, it is evident that the relation between the petitioner and the victim was continuing since last about one year.



He further submits that since the petitioner had refused to marry the victim, a false case has been concocted and the petitioner was got apprehended. He further submits that as per School Certificate, the victim is major one. By way of referring to paragraph-39 of the case diary, learned counsel for the petitioner submits that one independent witness has categorically stated that the petitioner was forcibly apprehended by the informant side for forcible marriage. Since the petitioner denied to marry, a false case has been instituted. Learned counsel for the petitioner further submits that immediately on the next day, the victim was examined by the Medical Board consisting of three doctors and the Board had assessed the age of the victim in between 19 and 20 years. He further submits that the Medical Board had concluded that no evidence of rape was found at the time of examination. It is true that the allegation has been made regarding the commission of rape on 05.12.2014 and the victim was examined on the next day at 4.45 P.M. but fact remains that the Medical Board had assessed the age of the victim between 19 and 20 years and had not found any sign of rape.

Learned Addl. Public Prosecutor and Sri Gagandeo Yadav, learned counsel for the informant have vehemently opposed the prayer for bail. It was submitted that before the

learned Magistrate, the statement of victim was recorded under Section 164 of the Code of Criminal Procedure and the learned Magistrate had assessed the age of the victim 16 years. It has further been argued that in the F.I.R. the age of the victim has been stated as 16 years and, as such, the petitioner does not deserve to grant of bail.

In view of facts and circumstances the Court is of the opinion that it is a fit case for extending the privilege of bail. Let the petitioner Pintu Yadav @ Surendra Kumar Yadav @ Pitu Yadav be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhubani in connection with Laukahi P.S. Case no.181 of 2014.

(Rakesh Kumar, J)

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