

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57533 of 2015

Arising Out of PS.Case No. -214 Year- 2015 Thana -BANKA District- BANKA

Dharmendra Das son of Basudeo Das
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s Mr. Madan Kumar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 22.12.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Victim has already been recovered and her statement under section 164 of the Cr.P.C was recorded. The victim has nowhere stated about her kidnapping in her statement recorded under section 164 of the Cr.P.C rather she stated that she herself pressurized the petitioner for marriage.

Moreover, victim also stated in her statement that petitioner went to Garhwa Tari and she also followed him and after that the petitioner and the victim went to Bengal.

The main controversy in the present matter is age of the victim. The learned Magistrate who recorded statement of the victim assessed her age as 13 years whereas victim disclosed her age as 19 years.

The submission on behalf of the petitioner is that victim has not been medially examined and, as a matter of fact, she was major at

the time of alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Banka P.S. Case no. 214/2015.

(Hemant Kumar Srivastava,J)

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