

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43784 of 2014

Arising Out of PS.Case No. -30 Year- 2013 Thana -MALAYPUR District- JAMUI
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1. Dilip Yadav Son of Madan Yadav
2. Rajesh Yadav @ Manoj Yadav Son of Madan Yadav Both Resident of Village-Barhat, P.S.-Barhat, District-Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Umesh Prasad
For the Opposite Party/s : Mr. Bharat Lal (App)
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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-04-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Malaypur P.S. Case No. 30/13 registered for the offences punishable under Sections 364/366/(A)-379 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the subsequent of filing of the case, the petitioner No. 2 and the victim girl have married and the victim girl in her statement under Section 164 of the Cr. P.C. has stated that she had gone with him on her own sweet-will and that they had got married in the year 2013 in a temple at Barhatmin and had since been living in Gujrat.

Learned counsel for the State however, opposed the

submission made on behalf of the petitioners, stating that the girl in question is merely 16 years of age, a minor, as has been assessed by the doctor. The petitioners do not deserve the benefit of anticipatory bail.

Learned counsel for the petitioners has urged before this Court that the girl in question had been pregnant and has delivered a baby and is also pregnant expecting another baby and is living happily with her husband Rajesh Yadav.

Considering the aforementioned submissions and also the fact that the girl in question in her statement under Section 164 of the Cr. P.C. has recorded her age to be 20 years whereas the Court has assessed her age to be 19 years, let the petitioners above named, in the event of their arrest / surrender within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Malaypur P.S. Case No. 30/2013 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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