

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5351 of 2015

Arising Out of PS.Case No. -216 Year- 2014 Thana -KHAIRA District- JAMUI

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Jitendra Das Son of Bhaujal Das Resident of vill-Mangobandar,P.S-Khaira,Distt.-Jamui

.... Petitioner/s

Versus

1. The State of Bihar

2. Gautam Das Son of Fagu Das Resident of vill-Mangobandar,P.S-Khaira,Distt.-Jamui

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bharat Lal, Advocate.

For the Opposite Party/s : Mr. Surendra Pd. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 27-04-2016 Heard Mr. Bharat Lal, learned counsel appearing on behalf of the petitioner.

The petitioner filed this case for cancellation of bail of opposite party no. 2 Gautam Das in Khaira P.S. Case No. 216/2014 registered under Section 366A and 120B of the Indian Penal Code. The opposite party no. 2 Gautam Das was granted bail vide order dated 15.01.2015 passed in Cr. Misc. No. 1587 of 2015 on the ground that the victim girl herself disclosed in her statement recorded under Section 164 Cr.P.C. that she was in love with Gautam Das, opposite party no. 2 herein, and voluntarily solemnized marriage with him and the victim was major.

It is submitted that the opposite party no. 2 has stated in the bail petition that he has no criminal antecedent but from

Para 6 of this petition, it would appear that the opposite party no. 2 has got criminal antecedent and he is accused in Khaira P.S. Case No. 199/2014 and bail order was procured by concealing the fact.

On perusal of the order dated 15.01.2015 granting bail to the opposite party no. 2, it appears that the bail was granted on consideration of the fact that the victim herself disclosed in her statement recorded under Section 164 Cr.P.C. that she was in love with the opposite party no. 2.

Considering the fact aforesaid, I do not find any merit in this petition to cancel the bail of the opposite party no. 2 in Khaira P.S. Case No. 216/2014. Accordingly, this petition for cancellation of bail to the opposite party no. 2 is dismissed.

(Prabhat Kumar Jha, J)

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