

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55937 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -LAUKHI District- MADHUBANI

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Rajiv Kumar Mukhiya @ Rajiv Mukhiya S/o Shiv Kumar Mukhiya,
Resident of village- Sonbarsa, P.S.- Laukahi, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-12-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code and section 4 of The Protection of Children from Sexual Offences Act, 2012.

The accusation is of abducting the minor daughter of the informant.

It is submitted by learned counsel for the petitioner that in 164 Cr.P.C. statement the victim has got her age recorded as 15 years when the court has assessed as such but during examination by the Medical Board she was found between 17 to 18 years and carrying pregnancy. The statement

of the victim recorded under Section 164 Cr.P.C. suggests that the victim was forced to marry with the petitioner. Subsequently the petitioner reached to the victim home.

Considering the medical opinion and 164 Cr.P.C. statement of the victim, this application is disposed of. Let the learned court below consider the prayer for regular bail of the petitioner, if the victim expressed her desire to reside with the petitioner in connection with Laukahi P.S. Case No. 43 of 2014 pending in the court of learned Ist Additional Sessions Judge, Madhubani.

(Dinesh Kumar Singh, J)

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