

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44632 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -ARIYARI District- SEKHPURA

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Bikash Kumar @ Vikash Kumar, Son of Sri Ramdeo Ram, Resident of
village - Kemra, P.S. Ariyari, District – Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 18-03-2015

Heard the learned counsel for the parties.

The petitioner seeks bail in Ariyari P.S. Case No.104/2014 registered for the offence punishable under Section 366A of the Indian Penal Code and Sections 4/8 of Protection of Children from Sexual Offences Act, 2012.

The learned counsel for the petitioner has submitted that the FIR has been lodged against unknown. During investigation, the victim has made statement under Section 164 Cr.P.C. in which she has not made any allegation against the petitioner. He has also referred an affidavit stating that her date of birth is 15.07.1995 and she wants to marry the petitioner. The petitioner is in custody since 23.08.2014 having no criminal antecedent.

The learned counsel for the other side submits that during investigation, the petitioner and the victim have been

recovered from the house of the maternal uncle of the petitioner. Thereafter, the victim has been examined by the doctor, who has estimated her age between 15-16 years and the School Transfer Certificate shows the date of birth of the victim as 30.04.2001. The Magistrate has also estimated her age as 16 years. In any view of the matter, the victim is minor. After investigation, charge sheet has been submitted against the petitioner.

Considering the facts and circumstances of the case, in my opinion, the petitioner does not deserve bail. His prayer is rejected.

Let the trial be expedited.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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