

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11021 of 2015

Arising Out of PS.Case No. -414 Year- 2014 Thana –BARHARIA (G.B. NAGAR) District- SIWAN

1. Chand Babu son of Md. Aslam

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. G.S.Gupta(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 19-03-2015

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 09.01.2015 in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

It is surprising enough that an officer having sessions power rejected the prayer for bail of the petitioner, particularly, in the circumstance when the victim specifically stated in her statement recorded under Section 164 of the Cr.P.C. that she was in love with the petitioner and left her home along with the petitioner and furthermore, the victim disclosed her age as 19 years whereas the learned Magistrate assessed her age as 18 years. No doubt, the medical board found the victim between 16 to 17 years but even if it assumed that the victim was aged about 17

years, then also, she was about to attained the majority.

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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Barharia (G.B. Nagar) P.S. Case No. 414 of 2014.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--