

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36685 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Keshiya Devi Wife of Yogendra Sahani
2. Ramdeo Sahani Son of Mosafir Sahani Both are residents of village -
Lahi, Police Station - Madhuban, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

I am shocked to see the impugned order passed by
learned 5th Additional Sessions Judge, Motihari in B.P No.721 of
2015. The learned 5th Additional Sessions Judge, Motihari has
noted in his impugned order that the victim has very clearly stated
in her statement recorded under section 164 of the Cr.P.C that she
has solemnized her marriage with co-accused Sandeep Kumar and
furthermore, the medical board found the victim aged about 17½
to 18½ years. The learned Magistrate, who recorded the statement
of victim under section 164 of the Cr.P.C., assessed the age of
victim as 20 years and similarly, the victim also disclosed her age
as 20 years. The learned Additional Sessions Judge also noted that
after investigation, police submitted charge sheet but in spite of all

the above stated facts the learned 5th Additional Sessions Judge rejected the prayer for bail of the petitioner without applying his judicial mind.

Considering the statement of victim recorded under section 164 of the Cr.P.C, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Sikarahana, East Champaran in connection with Madhuban P.S.Case No. 23 of 2015

(Hemant Kumar Srivastava, J)

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