

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52276 of 2015**

Arising Out of PS.Case No. -28 Year- 2015 Thana -BARHARIA District- SIWAN

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Amir Sah @ Amir Kumar Sah son of Nand Lal Sah, Resident of Village-  
Orain, Police Station- Barharia, District- Siwan.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mrs. Renuka Ratnakar (App)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      07-12-2015                      Heard Sri Bijay Prakash Singh, learned counsel for the  
  
petitioner and learned Additional Public Prosecutor.

The petitioner, who is in custody in connection with  
Barharia P.S. Case No. 28 of 2015, registered for the offence  
punishable under Section 363, 366(A)/ 120(B) of the Indian  
Penal Code and subsequently, Section 6 of the Protection of  
Children From Sexual Offences Act, 2012, was added, has prayed  
for grant of bail.

It was submitted by learned counsel for the petitioner  
that in the F.I.R. itself, which has been lodged on the basis of the  
complaint petition filed before the Chief Judicial Magistrate,  
Siwan, it is evident that occurrence had taken place on 4.12.2014  
whereas, complaint was filed on 15.1.2015 before the learned

Chief Judicial Magistrate, Siwan, which was referred under Section 156(3) of the Cr.P.C. for registering F.I.R. and thereafter, F.I.R. was lodged on 8.2.2015. By way of referring to Annexure- '2' to the petition, which is a photo copy of the statement of the victim recorded under Section 164 of the Cr.P.C., it has been argued that even in 164 Cr.P.C. statement she has not alleged anything against the petitioner save and except that the petitioner himself had dropped the victim. It has also been argued that the victim was examined medically by the doctor and her age was assessed in between 19 -20 years.

In view of the facts and circumstances particularly the fact that F.I.R. was lodged much belatedly and the victim was examined by the doctor, who assessed her age as 19-20 years as well as 164 Cr.P.C. statement of the victim, let the petitioner Amir Sah @ Amir Kumar Sah be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge –cum-Special Judge, Siwan in connection with Barharia P.S. Case No. 28 of 2015.

**(Rakesh Kumar, J)**

Praful/-

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