

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49365 of 2015

Arising Out of PS.Case No. -263 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

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Raju Mahto son of Kanhai Mahto Resident of village - Rampur Sarotar,
Police Station - Goraul, District - Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Ram Bachan Singh , APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Goraul P. S. Case No. 263 of 2015 registered under Sections 366
A and 364/34 of the Indian Penal Code.

It is contended that the allegations made in the FIR are
absolutely false. The victim Pooja Kumari is a girl aged about 18
years. In course of investigation, she was recovered and her
statement had been recorded under Section 164 Cr.P.C. in which
she had categorically stated that out of her sweet-will she left her
house and married co-accused Ranjan Kumar. She has also stated
that she was never abducted by the accused persons.

Learned counsel for the State has opposed the

application of the petitioner filed under Section 438 of the Code of Criminal Procedure. He has submitted that in the FIR the age of the victim has been given as 15 years though in the statement under Section 164 Cr.P.C. she has disclosed her age to be 18 years only.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released 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 Chief Judicial Magistrate, Vaishali at Hajipur in Goraul P. S. Case No. 263 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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