

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.882 of 2015

- =====
1. Balister Tiwari
 2. Renue Devi @ Ragini Devi
 3. Mithu Devi
 4. Dinbandhu Pandey

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s Mr. Dilip Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 09.01.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners are parents, sister and brother-in-law of co-
accused Mantu Tiwary respectively and apprehend their arrest in
connection with Sugauli P. S. case no. 66/2014 registered under
sections 366, 366A and 120B of the IPC.

The statement of victim has been recorded under section
164 of the Cr.P.C in which she, specifically, stated that she left her
home along with co-accused Mantu Kumar Tiwary with whom she
solemnized her marriage of her own sweet will.

The victim disclosed her age as 20 years and the court
assessed her age as 18 years. The Medical board also found the victim
between 18 to 20 years. However, it appears that learned Sessions
Judge adopted a very technical approach and on the basis of age of the
victim mentioned in the school certificate rejected prayer for bail of
the petitioners without applying his judicial mind.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in Sugauli P. S. case no. 66/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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