

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31078 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -MAHILA PS District- KATIHAR

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1. Sk. Nazim S/o Late SK. Maniruddin R/o Nawabganj, P.S. Manihari,
District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 30-11-2015 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional
Public Prosecutor for the State.

The accusation against the petitioner is that he
established physical relation with the informant' daughter on
false promise of marriage. The statement of victim was
recorded under Section 164 of the Cr.P.C. in which she has
nowhere stated about the factum of marriage rather she stated
that petitioner used to establish physical relation with her and
when she made protest, the petitioner usually put the lock in
his house. She also stated that when she became pregnant she

disclosed the aforesaid fact to her family members. The victim disclosed her age as 14 years and the learned Magistrate assessed her age as 15 years but when victim was medically examined, the doctor found her between 17 to 18 years.

Learned counsel for the petitioner submits that the victim was major at the time of alleged occurrence and as a matter of fact, there was love affair between petitioner and victim and the victim voluntarily established physical relation with the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 11.05.2015, 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 Special Judge-I, Katihar in connection with Katihar Mahila P.S. Case No. 25 of 2015, subject to condition that he shall attend the trial court on each and every date in person for the period of one year or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any genuine cause, the learned trial court shall be at

liberty to cancel the bail bonds of the petitioner. It is made clear that the learned trial court shall conclude the trial of the petitioner within the above stated period of one year.

(Hemant Kumar Srivastava, J)

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