

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20768 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -DUMRAUN District- BUXAR

1. Harakh Yadav @ Harakh Nath Yadav, Son of Jagnarayan Yadav,
Resident of Village- nawadara, Police Station- Dumraon, District- Buxer.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-10-2015

Heard learned counsel for the petitioner and the

State.

The statement of the victim has been recorded under section 164 Cr.P.C. in which she stated that she was kidnapped by the petitioner and after that she was raped by the petitioner. The learned Magistrate who recorded the statement of the victim assessed her age as 21 years whereas the victim disclosed her age as 15 years. The Medical Board has also found the victim between 15 to 16 years. A sacrosanct fact has come in the statement of the victim that petitioner himself dropped the victim before the police but paragraph 13 of the case diary reveals that victim as well as petitioner were caught by the police while they were standing near the tempo stand.

Learned counsel for the petitioner submits that as a matter of fact the victim was in love with petitioner and she herself eloped with the petitioner but later on when she came in contact with her parents she took u-turn in her statement recorded under section 164 Cr.P.C.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in Dumraon P.S. Case No. 28 of 2015.

(Hemant Kumar Srivastava, J)

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