

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 46132 of 2014

Arising Out of PS.Case No. -108 Year- 2013 Thana - BAKHTIARPUR District- SAHARSA

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Rahul Kumar Sah @ Rahul Kumar Saha Son of Rajo Sah resident of
village- Siswa, P.S.- Salkhua (O.P. Chiraiyan), District- Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 10-04-2015 Heard Sri Amarnath Jha, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in
Bakhtiyarpur P.S. Case No. 108 of 2013 (G.R. No. 896 of 2013)
registered for offence under Sections 366(A)/34 of the Indian
Penal Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner
that the victim was major and she voluntarily had gone with the
petitioner and solemnized marriage in Mahavir Mandir, Patna. By
way of referring to **Annexure '2'** to the petition i.e. photocopy of
statement of the victim recorded under Section 164 of the Cr.P.C.,
learned counsel for the petitioner submits that the statement of
victim girl makes it clear that she voluntarily married with the
petitioner and as such, no case is made out. He further submits

that ofcourse in the F.I.R., the informant i.e. father of the victim girl had disclosed the age of victim as 14 years, but before the learned Magistrate her age was assessed as 21 years and even during investigation, the victim was got medically examined and medical officer has estimated the age of victim between 16 to 18 years.

In view of facts & circumstances, particularly; the statement of the victim girl as well as the age of the victim girl, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

In the event of arrest or surrender within a period of eight weeks from today, the petitioner namely Rahul Kumar Sah @ Rahul Kumar Saha shall be entitled to be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with G.R. No. 896 of 2013 (arising out of Bakhtiyarpur P. S. Case No. 108 of 2013) under conditions as contemplated under Section 438 (2) of the Cr.P.C.

(Rakesh Kumar, J.)

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