

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36050 of 2015

Arising Out of PS.Case No. -54 Year- 2012 Thana -HASANPUR District- SAMASTIPUR

=====

Barun Kumar @ Barun Kumar Yadav @ Barun Yadav @ Brun Kumar, son
of Ram Deo Yadav, R/o Village- Bishanpur, Haripur, Lanka Tola Surha,
Purbi tola, P.S. Hasanpur, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 27-08-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of the petitioner was thrice
rejected by a co-ordinate Bench of this court directing the
petitioner to renew his prayer for bail after examination of the
victim in course of trial but submission on behalf of the petitioner
is that the victim has been detained by the informant and she is not
being produced before the trial court nor the trial court is taking
any step to get the statement of victim recorded though this Court
while rejecting the prayer for bail of the petitioner very clearly
observed that the victim be examined as first prosecution witness.
It is further contended by him that petitioner is in jail custody
since 03.07.2012 particularly, in the circumstance when victim

specifically stated in her statement recorded under Section 164 of the Cr.P.C. that she voluntarily solemnized her marriage with the petitioner and at the time of recording her statement, the learned Magistrate assessed the age of victim as 18 years.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Additional Sessions Judge, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 54 of 2012 corresponding to Sessions Trial No. 262 of 2014.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--