

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13991 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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1. MUSINE AJAM Son of Maulana Basirullah, Resident of Ladhi Bazar,
P.S.- Goriya Kothi, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Satyendra Nr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-04-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The statement of victim was recorded under Section 164 of the Cr.P.C in which she very clearly stated that prior to the alleged occurrence, her marriage was solemnized with the petitioner and she left her home by her own sweet will and started residing with the petitioner. The victim also expressed her desire to live with the petitioner as husband and wife. The victim disclosed her age 19 years at the time of recording her statement but the learned Magistrate, who recorded the statement of victim, did not ascertain the age of the victim. Moreover, the victim was found between 18 to 19 years by the medical board and it appears that in the written report of the informant, the age of victim was

inserted later on. The learned 1st Additional Sessions Judge, Siwan, rejected the prayer for bail of the petitioner without proper application of his judicial mind.

In my view, the concerned officer needs some training so that he could know as to how the bail matters are dealt with.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Session Judge 1st, Siwan in connection with Mahila P.S.Case No. 09 of 2016.

Let a copy of this order be sent to the Standing Committee of this Court for needful.

(Hemant Kumar Srivastava, J)

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