

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14961 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -KHAGARIA District- KHAGARIA

Manish Kumar, Son of Shyam Sundar Shah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Adv.
For the Informant : Mr. Jaikishor Poddar, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 11-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 504, 323/34 of the Indian
Penal Code.

The statement of victim has been recorded under
Section 164 of the Cr.P.C. in which she stated that on 17.01.2016,
petitioner established physical relation with her and promised for
marriage. She nowhere stated that prior to 17.01.2016, she was
sexually assaulted by the petitioner rather stated that petitioner
used to talk with her on telephone. The victim disclosed her age as
18 years and her statement under Section 164 of the Cr.P.C. was
recorded on 01.02.2016 i.e. after fifteen days of the alleged

occurrence.

Contention on behalf of the petitioner is that the victim was consenting party but subsequently, she lodged this case with ulterior motive.

Learned counsel for the informant opposed the prayer submitting that victim was minor at the time of alleged occurrence.

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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 63 of 2016.

(Hemant Kumar Srivastava, J)

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