

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20580 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -PHULWARI District- PATNA

=====

1. Md. Sabir @ Md. Shabbir S/o Md. Sultan Alam, R/o Humad Gali, Nehru
Tola, Taiyab Raj Ki Masjid, P.S.- Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam

For the Opposite Party/s : Mr. Nirmal Kumar Sinha(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 19.05.2016

Vakalatnama is filed on behalf of the informant.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State and learned
counsel for the informant.

The statement of victim has been recorded under
section 164 of the Cr.P.C in which she stated that she voluntarily
solemnized her marriage with the petitioner by her own sweet will.
The victim disclosed her age as 18 years and the learned Judicial
Magistrate, who recorded the statement of the victim, also
assessed her age as 18 years. The impugned order of learned
Additional Sessions Judge-VII, Patna, goes to show that the age of
victim was not determined by Medical Board and there was no
medical report before the Additional Session Judge-VII, Patna, to

verify the age of the victim except the assessment made by the learned Judicial Magistrate as well as discloser made by the victim herself but, even then, on 21.03.2006, the learned Additional Sessions Judge-VII, Patna rejected the bail petition of the petitioner, who was languishing in jail custody since 14.02.2016.

Accordingly, 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 learned Judicial Magistrate,1st class, Patna in connection with Phulwarisharif P.S.Case No. 07 of 2016.

(Hemant Kumar Srivastava, J)

N.K/-

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