

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33778 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -MARKAHI District- KHAGARIA

- =====
1. Paro Sharma Son of Late Ishwar Sharma
 2. Rupak Sharma Son of Paro Sharma Both resident of village - Marar South, P.S. Morkahi, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 19-08-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered under Sections-366(A)/34 of the Indian Penal Code.

The victim has already been recovered and her statement was recorded u/S 164 of the Cr.P.C. in which, she stated that one unknown person kidnapped her and forcibly, solemnized his marriage with her. The victim has not even whispered the name of petitioners in her statement recorded u/S 164 of the Cr.P.C. but even thereafter, learned Sessions Judge, Khagaria rejected the prayer for bail of petitioners. The approach of the learned Sessions Judge, Khagaria does not appear to be judicious.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Markahi P.S. Case No. 50 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria.

Learned Sessions Judge, Khagaria is warned to be more cautious and judicious while passing the orders on bail petitions.

A.K.V./- **(Hemant Kumar Srivastava, J)**

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