

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30461 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -ALOULI District- KHAGARIA

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Rajiv Kumar Yadav @ Rajiv Kumar S/o Sri Ratan Yadav, Resident of
Village- Raun, P.S- Alouli, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Sri Umeshnand Pandit (APP)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 05-08-2016

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

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 366(A) of the Indian
Penal Code.

The statement of the victim has been recorded under
Section 164 of the Cr.P.C., in which, she specifically stated that
she solemnized her marriage with the petitioner by her own will.
The victim disclosed her age as 21 years whereas learned
Magistrate, who recorded the statement of the victim assessed her
age as 19 years.

Learned Sessions Judge, Khagaria rejected the bail
prayer of the petitioner on the ground that the Medical Board

found the victim between aged about 15 to 16 years and the mother of the victim was not the competent person to compromise the case but learned Sessions Judge, Khagaria failed to notice this fact that the victim has whispered not even a single word against the petitioner.

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 Allouli P.S. Case No. 83 of 2016 corresponding to G.R. No. 768 of 2016.

However, learned Sessions Judge, Khagaria is warned to be more conscious and vigilant while passing orders on bail petitions.

(Hemant Kumar Srivastava, J.)

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