

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29657 of 2016

Arising out of P.S. Case No.174 Year- 2015 Thana –BUDDHA COLONY District- PATNA

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Raju Kumar, son of late Amar Singh, resident of village- Rajwa
Kusheshwar Sthan Supaul, P.S.- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the State : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 27-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is in custody since 4.11.2015 for the
offences punishable under Sections 366A/34 of the Indian Penal
Code.

The statement of victim has been recorded under
Section 164 of the Cr. P.C. in which she fairly stated that she
solemnized her marriage with petitioner by her own sweet will and
now she became pregnant. The learned Magistrate who recorded
the statement of victim, assessed her age as 18 years, whereas
Medical Board found the victim between 17-18 years. The learned
1st Additional Sessions Judge, Patna, has rejected the bail petition
of the petitioner treating the victim minor but, he failed to take

into consideration that in assessment of age of a person by Medical Board, there is every possibility of error of two years in both sides i.e. in upper side as well as lower side. So, even if the opinion of the Medical Board regarding the age of victim is taken into consideration, then also victim appears to be major 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 the A.D.J.-1st, Patna, in connection with Special (POSCO) P.S. Case No. 44 of 2016 arising out of Budha Colony P.S. Case No. 174 of 2015.

(Hemant Kumar Srivastava, J)

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