

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35106 of 2016

Arising Out of PS.Case No. -163 Year- 2016 Thana -BARBIGHA District- SEKHPURA

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1. Satendra Kumar Son of Bhushan Mahto resident of Village- Parsobigha,
P.S.- Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 22-08-2016 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 366/34 of the Indian Penal

Code.

 The statement of victim was recorded under Section

164 of the Cr.P.C. in which she clearly stated that she solemnized

her marriage with petitioner by her own sweet will and became

mother of a child. The learned Magistrate, who recorded the

statement of victim, assessed her age as 20 years whereas the

victim disclosed her age as 21 years but the learned Additional

Sessions Judge rejected the bail petition of the petitioner on the

ground that the medical board found the victim aged about

between 16-17 years and according to School Certificate and Aadhar Card she was minor at the time of alleged occurrence.

In course of hearing, learned counsel for the informant submits that in School Certificate the Date of Birth of the victim has been entered as 15.02.2005 and, therefore, the victim was minor but learned counsel for the petitioner submits that the aforesaid document is a forged document because according to Date of Birth mentioned in the aforesaid certificate, the victim was only 11 years old at the time of alleged occurrence.

It is well settled principle of law that there is always possibility of error in both sides in assessment of age of a person but learned Additional Sessions Judge failed to take notice of the aforesaid settled law.

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 Additional Chief Judicial Magistrate-II, Sheikhpura in connection with Barbigha P.S. Case No. 163 of 2016.

(Hemant Kumar Srivastava, J)

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