

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46219 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -BELSAND District- SITAMARHI

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Md. Nijam @ Md. Nizam Son of Md. Izahar, resident of village -
Rupabara, P.S. Tariyani, District - Sheohar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 05-12-2016 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 366(A), 120(B)/34 of the
Indian Penal Code.

The statement of victim was recorded under Section
164 of the Cr.P.C. in which she categorically stated that she was in
love with petitioner and solemnized her marriage with him and
also established physical relation as husband and wife. At the time
of recording her statement, the victim disclosed her age as 19
years. The impugned order goes to show that medical board found
the victim between 16 to 18 years.

Learned counsel for the petitioner submits that the



learned Sessions Judge while disposing of anticipatory bail petition of the petitioner directed the trial court to release the petitioner on provisional bail for a period of six months so that relationship of petitioner and victim could be monitored but as a matter of fact, petitioner, due to illness of his father, could not surrender before the trial court in time as fixed by the learned Sessions Judge as a result of which he was remanded in the case by the concerned court below and his prayer for bail was rejected up to Additional Sessions Judge.

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 Sri K.K. Shashi, Judicial Magistrate 1st Class, Sitamarhi in connection with Belsand P.S. Case No. 27 of 2016.

(Hemant Kumar Srivastava, J)

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