

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35012 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jitlal Yadav son of Satan Yadav
 2. Guddu Kumar son of Bachcha Yadav
 3. Satan Yadav son of Bhulotan Yadav
- All residents of Village- Bherihari, P.S.- Ramgarhwa, District- East Champaran.
4. Vijay Yadav son of Ramashray Yadav, resident of Village- Parsauna, R.S.- Palanawa, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.U.C.Verma, Adv.
For the Opposite Party/s : Mr. Satyendra Nr.Singh, A.P.P.
Mr. Ajay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 09-11-2016 Heard Sri Umesh Chandra Verma, learned counsel
for the petitioners, Sri Satyendra Narayan Singh, learned Addl.
Public Prosecutor as well as Sri Ajay Kumar Singh, learned
counsel, who has voluntarily appeared on behalf of the informant.

Four petitioners, apprehending their arrest in
Palanwa P.S. Case No.23/2016 registered for the offence under
Sections 366(A), 120B, 34 of the Indian Penal Code, have prayed
for grant of anticipatory bail.

Petitioners have been made accused on an
allegation that minor daughter of the informant was enticed and,
thereafter, the aforesaid case was registered for the offence under

Sections 366(A), 120B, 34 of the Indian Penal Code.

In this case, by order dated 09.09.2016, a Bench of this Court had directed the petitioner no.1, namely, Jitlal Yadav to appear in Chambers along with informant's daughter, namely, Madhu Kumari and, thereafter, on 29.09.2016 the victim girl appeared in person and she disclosed her age as 21 years. It is categorically stated that she had married with petitioner no.1, namely, Jitlal Yadav and was living happily with him. Since there was no report regarding age of the victim, this Court directed for constitution of Medical Board to ascertain her age. Thereafter, the Board consisting of Medical Officers examined the age of the victim girl and came to the conclusion that she was in between 17½ and 18 ½ years. Meaning thereby that as per report, the victim girl was major.

In view of earlier order passed by a Bench of this Court, wherein the submission of the victim was noticed, it indicates that the victim had voluntarily married with petitioner no.1 and as per report of the medical board, she was major.

In view of facts and circumstances, there is no reason to deny the privilege of anticipatory bail. Accordingly, let aforesaid four petitioners, namely, (i) Jitlal Yadav (ii) Guddu Kumar (iii) Satan Yadav and (iv) Vijay Yadav, in the event of

their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Palanwa P.S. Case No.23 of 2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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