

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5743 of 2016

Arising Out of PS.Case No. -325 Year- 2015 Thana -ARA MUFFSIL District- BHOJPUR

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1. Shiv Shankar Ram S/o Lal Bahadur Ram R/o Village Dhamar P.S. Arra Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. H.A.Khan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 18-04-2016 Supplementary affidavit has been filed on behalf of the petitioner annexing a copy of the certificate granted by the Mukhiya mentioning therein that Shobha Kumari has married with Santosh Kumar on 04.03.2016 and both are major. Let it be kept on the record.

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 363, 366 and 366 A of the I.P.C

Allegedly, the petitioner kidnapped Shobha Kumari with the cash of Rs. 20,000/- and the ornaments. During investigation the victim was recovered and her statement has been recorded under section 164 Cr. P.C. wherein she has supported the

allegation of kidnapping as well as that the petitioner committed rape with her during the captivity.

Submission is of false implication and that the victim and the petitioner both were having love affairs, from the statement of the victim girl recorded under section 164 Cr. P.C. it reveals that the victim was the consented party, she has not made any objection and further during medical examination the victim has been found aged between 17-19 years and no any injury has been found on her private part and as such the victim being major no offence as alleged is made out.

The learned A.P.P. opposes the prayer for bail.

In the facts and circumstances as stated above, considering that the doctor has found her age in between 17-19 years and further the Mukhiya has certified that she is now major and as such considering detention of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Bhojpur at Ara in Ara Muffasil P.S. Case No. 325 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and

every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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