

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23477 of 2016

Arising Out of PS.Case No. -537 Year- 2015 Thana -BUXAR District- BUXAR

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1. Prakash Kumar Choubey s/o Devendra Kumar Choubey alias Devanand Choubey r/o Vill- Jalahara, PS- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 12-07-2016 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, 366(A) of the Indian Penal Code.

The statement of victim was recorded under Section 164 of the Cr.P.C. in which she frankly admitted that she eloped thrice with the petitioner and established physical relation with him. She also admitted that after some time the behaviour of the petitioner started changing and thereafter she called her mother who came to Dehradun

from where she was taken back to her home.

The learned Magistrate assessed the age of victim as 15 years whereas in first information report the informant disclosed the age of victim as 17 years. The impugned order of learned Additional Sessions Judge goes to show that in medical examination, the victim was found between 18 to 19 years whereas in matriculation certificate, the date of birth of the victim has been entered as 20.01.2000.

Submission on behalf of the petitioner is that the victim and petitioner were in love and as a matter of fact, the victim eloped with petitioner by her own violation and subsequently, under the pressure of her guardian she changed her stand and made statement against the petitioner. It is further submitted that even if the date of birth entered in the matriculation certificate of victim assumed to be true, then also, she was on the verge of attaining majority and, therefore, petitioner deserves the privilege of bail.

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 Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 537 of 2015.

(Hemant Kumar Srivastava, J)

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