

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45254 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -LALGANJ District- VAISHALI(HAJIPUR)

Satish Thakur @ Satish Kumar S/o Devendra Thakur resident of Village Lakhansarai, Tej Singh, P.S. Lalganj, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr. Md. Ansural Haque(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-01-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Lalganj P.S. Case No. 09 of 2015 registered for the offences punishable under Sections 366(A)/364/34 of the Indian Penal Code. Subsequently, Section 376 of the Indian Penal Code is added.

Allegedly, Parvati Kumari @ Sona aged about 14 years was kidnapped by the petitioner and Amit Thakur for illegal purposes and during investigation, the victim girl was released and her statement has been recorded under Section 164 Cr. P.C. wherein she has stated that she was kidnapped by the petitioner and co-accused Amit Thakur and the petitioner committed sexual assault with her.

Submission is of false implication and that the victim girl is not minor rather she is major one, she has lodged Complainant Case No. 420/2015 against her father and other family members, she out of her own sweet-will married with the petitioner and is living in the house of the petitioner. The victim Parvati Kumari @ Sona sworn affidavit as Parvikar in this criminal miscellaneous stating her age as 20 years and as such the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail but fairly submits that affidavit sworn in this criminal miscellaneous is by the victim girl itself and further she has lodged Complaint Case No. 420 of 2015 against her parents and others.

In the facts and circumstances stated above, considering that victim girl has lodged Complaint Case No. 420 of 2015 and she, on solemn affirmation has stated her age 20 years stating that she has arranged inter-caste marriage with the petitioner and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 09 of 2015, subject to the conditions that one 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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