

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38212 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Chhatish Singh @ Satish Kumar Rai Son of Chandrama Singh@ Rai Jee
Resident of Village Thakur Dayal Singh Ka Tola, P.S. Krishna Bramh ,
District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 17-09-2016 Heard Sri Shiv Kumar Prasad, learned counsel who was

assisted by Sri Alok Kumar Jha, learned counsel for the petitioner

and Sri Nirmal Kumar Sinha, learned Additional Public

Prosecutor.

The sole petitioner , apprehending his arrest in Ramgarh

P.S. Case No. 26 of 2016 registered for the offence under section

366(A)/ 34 of the Indian Penal Code, has prayed for grant of bail

in the event of his arrest or surrender.



It was submitted by learned counsel for the petitioner that of -course in the F.I.R. informant has stated that his minor girl aged about 14 years had eloped with the petitioner and others, fact remains that during investigation statement of the victim girl was got recorded under section 164 of the Cr.P.C. By way of referring to Annexure 2 to the present petition i.e. certified copy of the statement of the victim girl recorded under section 164 of the Cr.P.C. , learned counsel for the petitioner submits that age of the victim girl was assessed by the learned Magistrate as 18 years whereas, the girl has disclosed her age as 19 years. He submits that in statement before the learned Magistrate the victim has categorically stated that she had voluntarily solemnized marriage with the petitioner which was not appreciated by her father. Accordingly a prayer has been made to extend the privilege of anticipatory bail.

Sri Nirmal Kumar Sinha, learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail. He submits that the victim girl was medically examined and her age was assessed in between 16-17 years. According to him since the victim girl is minor, the petitioner does not deserve the privilege of anticipatory bail.

Besides hearing learned counsel for the parties, I

have also perused the material available on record particularly the statement of the victim recorded under section 164 of the Cr.P.C. After going through the same, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly , in the event of arrest or surrender within a period of six weeks from today, let the petitioner Chhatish Singh @ Satish Kumar Rai be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhabhua at Kaimur / concerned court in connection with Ramgarh P.S. Case No. 26 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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