

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24174 of 2016

Arising Out of PS.Case No. -425 Year- 2015 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Ajay Kumar Son of Ram Babu Rai, resident of Village- Gheghtha, P.S.-
Chapra Muffasil, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 14.07.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 5.9.2015 (wrongly
mentioned in the impugned order as 5.9.2016) in a case registered
under sections 363, 366 and 366A of the Indian Penal Code.

The present case was lodged against unknown and
according to the prosecution case itself, alleged occurrence took place
in the evening of 23.8.2015. Subsequently, victim was recovered and
the petitioner was arrested along with victim. The statement of victim
was recorded under section 164 Cr.P.C on 8.9.2015. The victim was
medically examined and she was found by the Medical Board between
13 to 14 years whereas learned Magistrate, who recorded the
statement of the victim, assessed her age as 15 years. The victim
stated that she was forcibly taken away by the petitioner when she had
gone to market and subsequently, petitioner forcibly solemnized his

marriage with her but on her request, petitioner brought her to Darbhanga from where petitioner and she were caught by the police. Para 20 of the case diary goes to show that the petitioner and the victim were found loitering near Laheriasarai town.

Submission on behalf of the petitioner is that victim was in love with the petitioner and she left her home by her own sweet will and after that she pressurized the petitioner to marry with her but the petitioner refused and brought her to Darbhanga with an intent to hand over to her parents but in the meantime, police caught them.

No doubt, victim appears to be minor at the time of alleged occurrence but para 20 of the case diary goes to show that there was sweet relation between the petitioner and the victim.

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/- with two sureties of the like amount each to the satisfaction of the District & Sessions Judge, Darbhanga in Sessions Trial no. 104/2016 arising out of Sadar P.S. Case no. 425/2015.

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(Hemant Kumar Srivastava,J)

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