

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19895 of 2016

Arising Out of PS.Case No. -83 Year- 2015 Thana -MEHANDIA District- JEHANABAD

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1. Balbir Kumar @ Amitesh Kumar, Son of Surendra Mishra, Resident of
Village- Shamsheer Nagar, P.S.- Daudnagar, district- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. Umesh Lal Verma(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-05-2016 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 Section 376(D) of the Indian Penal
Code and Section 6 of POCSO Act.

Petitioner is said to have committed rape on the
informant. The statement of informant has been recorded under
Section 164 of the Cr.P.C. in which she disclosed her age as 18
years though, the learned Magistrate assessed her age as 17 years.
Moreover, the victim stated in her statement that she voluntarily
went along with petitioner in a house where petitioner on the
assurance of marriage established physical relation with her but in
the meantime, having got information from some other persons

police reached there and brought her as well as petitioner to police station and after that she lodged the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 01.07.2015, 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 Additional Sessions Judge-I, Jehanabad in connection with Mehandia P.S. Case No. 83 of 2015.

(Hemant Kumar Srivastava, J)

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