

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44726 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Amit @ Amit Kumar Seth @ Amit Seth @ Bhola Seth S/o Sri Anil Seth
R/o Village+P.S. Kudra district Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 01-04-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered under

Sections- 120B/34, 376/420 of the Indian Penal Code and u/S 4 of

Posco Act.

The accusation against petitioner is that he

established physical relation with the informant on false promise

of marriage. The informant claims herself to be minor. The

Medical Board found her between 15-17 years of age.

Contention on behalf of the petitioner is that there is

always possibility of error of two years in the cases of opinion,

given by Medical Board in respect of determination of age of any

person and moreover, the facts of the present case go to show that

there was love affairs between the parties and the informant was consenting party. It is further submitted that it is an admitted case of prosecution that the parents of the petitioner did not allow the petitioner to marry with the informant.

Learned counsel, appearing for the informant opposed the prayer, submitting that the victim was minor at the time of alleged occurrence and the petitioner is said to have committed rape upon her, giving allurements of marriage to her.

The investigation against the petitioner has already been completed and the petitioner appears to be in jail custody since 21-08-2015.

Considering the above-said facts and circumstances of the case as well as period of detention of the petitioner in jail custody, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Bhabhua Mahila P.S. Case No. 23 of 2015 to the satisfaction of Learned Additional District & Sessions Judge-Ist, Kaimur at Bhabhua.

(Hemant Kumar Srivastava, J)

A.K.V./-

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