

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53429 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -MARHAURA District- SARAN

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Sunil Sah @ Sunil Kumar Sah son of Tribhuwan Sah, resident of village-
Tehatee, Police Station- Marhowrah, District-Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 15-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Marhowrah P.S. Case No. 81 of 2015 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

Seema Kumari aged about 13 years, sister of the informant and Rinku Kumari, a neighbor went to attend the call of nature but they were abducted by the petitioner and other co-accused and during investigation both the victims appeared and their statements were recorded under Section 164 Cr.P.C. wherein, the victim Seema Kumari named no-one and victim Rinku Kumari stated the name of the petitioner and others but has not stated regarding any sexual assault or any overt act.

Submission is of false implication and that both the girls are major, the learned Magistrate who has recorded the

statement of Seema Kuamri has assessed her age as 18 years, it was a matter of love affair and, as such, the petitioner who is suffering in custody since 03.10.2015, deserves sympathetic consideration.

The learned A.P.P. fairly submits that in the statement, recorded under Section 164 Cr.P.C, the victim has not alleged any ill treatment committed against her.

In the facts and circumstances stated above, the petitioner, above named, is also 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 the Learned Additional C.J.M., Chapra, District Saran arising out of Marhowrah P.S. Case No. 81 of 2015 subject to the conditions that one of the bailors must be 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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