

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45945 of 2016

Arising Out of PS.Case No. -300 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Md. Pravej @ Md. Parvej Son of Md. Mustafa Resident of Village-Singdaha, P.S. Barauni, district Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 01-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The mother of the victim claims that petitioner committed rape on her daughter but para-26 of the case diary goes to show that statement of victim was recorded under section 164 of the Cr.P.C in which she stated that when her parents were outside the house, the petitioner entered into her house and attempted to establish physical relation with her but in the meantime, her father came there and the petitioner fled away from the house .

Learned counsel for the petitioner submits that, as a matter of fact, the age of victim was found 17 to 19 years in medical examination. It is further submitted that the victim was in



love with the petitioner. Moreover, the I.O. at Para 39 of the case diary has noted down that the victim and petitioner have already solemnized the marriage with permission of their guardians.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 1st cum Special Judge, POCSO Act, Begusarai in connection with Barauni P.S.Case No. 300 of 2016.

(Hemant Kumar Srivastava, J)

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