

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16490 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -BELHAR District- BANKA

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1. Suraj Singh S/o Late Dinesh Singh, Village- Dhauri, P.S.- Belhar,
District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The statement of victim was recorded under section 164
of the Cr.P.C in which she stated that she left her home voluntarily
and she was never kidnapped by any person. The police after due
investigation submitted final form showing the case as mistake of
fact but learned learned Chief Judicial Magistrate, Banka, differed
with the finding of the police and took cognizance of the offences
but the learned Additional Sessions Judge-IV, Banka, rejected the
prayer for bail of the petitioner only on the ground that the victim
was minor at the time of alleged occurrence without taking note of
this fact that the victim has not even whispered a single word
against the petitioner in her statement recorded under section 164

of the Cr.P.C.

Accordingly, 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 Chief Judicial Magistrate, III, Banka in connection with Belhar P.S.Case No. 283 of 2015.

(Hemant Kumar Srivastava, J)

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