

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38372 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -JHAJHA District- JAMUI

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1. Rahul Yadav Son of Sri Gulabi Yadav Resident of village- Baijala, P.S.
and District- Jamui Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto
For the Opposite Party/s : Mr. Sri Ashok Kumar
For the Informant : Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Jhajha P.S.
Case No. 58 of 2016, registered for the offence punishable under
Sections 366A/34 of the Indian Penal Code.

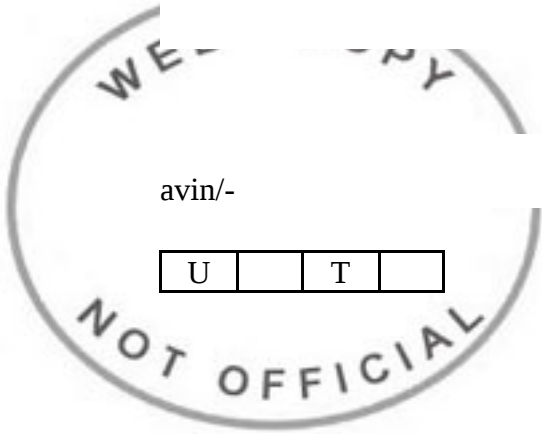
Allegedly, the daughter of the informant was kidnapped by
the petitioner with an intention to marry with her. During
investigation the statement of the victim girl has been recorded
under Section 164 Cr.P.C. wherein she has stated her age as 19
years and the learned Magistrate also assessed her age 19 years
wherein she has stated that she was not kidnapped rather she has
married with the petitioner out of her own sweet will in a temple
and both are living as wife and husband. She has expressed her
willingness to go with her husband.



Submission is of false implication and that as per the statement of the victim girl no offence as alleged is made out. She has stated that she has left her study after class X three years ago, so her age as 19 years appears true. She is not a minor rather major but the doctor in collusion with the informant has assessed her age as 16 years, petitioner is suffering in custody since 08.04.2016 and, as such, the petitioner deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the victim has been found minor by the doctor and in the FIR also her age has been given as 15 years.

In the facts and circumstances stated above, considering the statement of the victim girl recorded under Section 164 Cr.P.C., the petitioner above named is 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 S.D.J.M., Jamui in connection with Jhajha P.S. Case No. 58 of 2016, subject to the conditions that one of the bailors must be a 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)