

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37692 of 2016

Arising Out of PS.Case No. -254 Year- 2014 Thana -SONBERSA District- SAHARSA

=====

1. Bhushan Yadav S/o Bal Kishore Yadav Resident of village- Ajageban ,
P.S.- Sair Bazar, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Smt Renu Kumari

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 04-10-2016

Heard the Counsel for the petitioner and the APP for
the State.

The petitioner is facing accusations punishable
under section 366A/34 of Indian Penal Code vide Sonbarsa Raj
P.S. Case No. 254 of 2014.

The allegation is that the minor daughter of the
informant was kidnapped/abducted by the petitioner on
15.12.2014 for which the F.I.R. was lodged on 21.12.2014. On
retrieval, the victim girl made statement under section 164 Cr.P.C.
in which she disclosed her age as 20 years. The Magistrate found
her minor. In the said statement, it has been stated that the boy was
reading with her and she developed soft corner and subsequently
on her own freewill left the house and married with him.

Learned counsel, referring to the order of the learned



Sessions Judge, submits that the medical assessment of the age was made in which she was found between 16 ½ - 17 years. Actually, the victim has attained age of understanding when such decision is made. It was inter-caste marriage which propelled informant to file the case. Out of the wedlock, there is a sibling also. In assessing the age, the court should lean in favour of the accused particularly looking to the statement which the girl made before the Court under section 164 Cr.P.C.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Ist A.D.J., Saharsa in Sonbarsa Raj P.S. Case No. 254 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

U		T	
---	--	---	--

(Kishore Kumar Mandal, J)