

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44848 of 2015

Arising Out of PS.Case No. -61 Year- 2014 Thana -JALALPUR District- SARAN

1. Amit Prasad @ Amit Kumar @ Ami Kumar, Son of Shiv Kumar Prasad @ Shiv Kumar Patel, Resident of Village Phalpura, P.S. Daraunda, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary

For the Opposite Party/s Mr. R.B. Roy Raman (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 30.01.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Victim was recovered and her statement under section 164 of the Cr.P.C was recorded. In the said statement, victim stated that she was taken away by co-accused Munni Kumari and Jyoti Kumari and subsequently, some persons tied her eyes and when her eyes were opened, she found the petitioner there and after that petitioner forcibly established physical relation with her but when the petitioner learnt that a criminal case had been instituted, petitioner dropped her near the court.

Learned counsel for the petitioner submits that victim was major at the time of alleged occurrence as is evident from perusal of the medical report because Medical Board found the victim between 18 to 19 years of age. It is further contended by him that on the



alleged date of the occurrence, victim and one Gyanti Kumari left their home voluntarily and subsequently, father of Gyanti Kumari lodged Jalalpur P.S. Case no. 60/2014 against the petitioner and co-accused Ramesh Patel and similarly, present informant lodged the present case against the petitioner and the aforesaid co-accused Ramesh Patel. It is further contended by him that statement of Gyanti Kumari was recorded under section 164 of the Cr.P.C in Jalalpur P.S. Case no. 60/2014 in which she specifically stated that she had left her home along with co-accused Ramesh Patel by her own sweet-will. It is further contended by him that, as a matter of fact, victim of the present case was in love with the petitioner and left her home by her own sweet will but when petitioner got information regarding institution of the present case, he persuaded the victim and thereafter, dropped her near her home but subsequently, when the statement of victim was recorded under section 164 of the Cr.P.C, she took 'U' turn under the influence of her family members.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Arvind, Judicial Magistrate, Ist Class, Saran at Chapra / concerned court in Jalalpur P.S. Case no. 61/2014.

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(Hemant Kumar Srivastava,J)

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