

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23651 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -BELDAUR District- KHAGARIA

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Rajesh Sah Son of Biran Sah Resident of Village Bhola Das Basa, P.S.
Beldour, District - Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mrityunjay Kumar, Advocate.

For the Opposite Party : Ms. Saheen Begam(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioner apprehends his arrest in Beldaur P.S.
Case No. 48 of 2015 registered for the offence punishable under
Section 366(A) of the Indian Penal Code.

The informant father of the victim made allegation that
his daughter had gone to take tuition in middle school campus.
The petitioner sent a message to the brother of the victim that he
solemnized marriage with the victim.

Learned counsel for the petitioner submits that the
victim was recovered on the next day, but her statement could not
be recorded. The victim was in love with the petitioner and she
voluntarily solemnized marriage with the petitioner. It is further
submitted that the victim was a major girl as the doctor assessed

the age of the victim about 18-19 years.

From perusal of the FIR and the case diary it appears that the victim was studying in class-X and she was minor aged about 15 years according to her date of birth. The victim in her statement recorded under Section 164 of the Cr.P.C., disclosed that the petitioner administered her some intoxicating substance and she become unconscious, thereafter, she found herself in the house of the sister of the petitioner and she was forcibly married with the petitioner while she was unconscious.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Beldaur P.S. Case No. 48 of 2015 pending in the court of Sri P.C. Verma, the Judicial Magistrate, 1st Class, Khagaria. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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