

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27183 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Chhotan Pandey @ Shashi Bhushan Pandey Son of Paharhi Pandey
resident of Village- Shankar Saraiya Kasaba Tola,P.S.- Turkauliya,District-
East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 01.09.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State assisted by learned counsel for
the informant.

Petitioner seeks bail in a case registered under sections 363
and 366A/34 of the Indian Penal Code.

Victim as well as the petitioner were caught by police at
Patna Junction railway station which is evident from perusal of para
45 of the case diary. The statement of victim was recorded under
section 161 Cr.P.C and thereafter under section 164 Cr.P.C. In both
statements, she stated that while she was going to coaching, petitioner
gave lift to her on his own motorcycle on the pretext to drop at her
coaching center but she was taken to Bombay and from where she was
taken to Gandhidham where she stayed with the petitioner for near
about two months but when the petitioner learnt that his brother had

already been sent to jail in connection with present case, petitioner came to Patna along with her with an intent to drop her but the petitioner and she were caught at Patna railway station.

Submission on behalf of the petitioner is that victim was major at the time of alleged occurrence though learned Magistrate assessed the age of victim as 15 years but medical report of the victim goes to show that Medical Board found her as 16 to 17 years. Moreover, victim has made no complain of ill-treatment at the hands of the petitioner. Petitioner is in jail custody since 17.3.2016 and investigation against him has already been completed.

Accordingly, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari in Motihari Town P.S. Case no. 35/2016.

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(Hemant Kumar Srivastava,J)

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