

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60421 of 2017

Arising Out of PS. Case No.-314 Year-2017 Thana- BASANTPUR District- Siwan

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Lalan Ray @ Lalan Miyan S/o Phool Mohamad, R/o village- Karhikala Tola
karcholiya , P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. SMT. ANUSUIYA JAISWAL

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 294,372 and 373 of the IPC, Sections 3,4 and 5 of the Prevention of Immoral Traffic Act and section 14 of the Prevention of Children from Sexual Offences Act.

The prosecution case is to the effect that during the patrolling the informant received information that the petitioner used to get the minor girls perform during orchestra performance. Raid was laid and one minor girl namely, Sharda Halder was apprehended, leading to the registration of the present case.

It is submitted by learned counsel for the petitioner that the medical examination report of Sharda Halder as contained in



Annexure 3, suggests that she was found to be aged between 18 to 19 years. In 164 Cr.P.C. statement the victim got her age recorded as 19 years whereas the court assessed her age as 17 years. Hence, no case under the Prevention of Child from Sexual Offences Act is made out. Moreover, in 164 Cr.P.C. statement, she stated that she was performing in the orchestra of her own. The victim further stated that she has a child also and she has not alleged anything against the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the medical opinion as well as the statement of the victim under section 164 of the Cr.P.C., let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Siwan in connection with Basantpur P.S. Case No.314 of 2017.

(Dinesh Kumar Singh, J)

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