

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54069 of 2017

Arising Out of PS.Case No. -176 Year- 2016 Thana -ROSERA District- SAMASTIPUR

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1. Md. Takmil, Son of Md. Kaium, Resident of Village- Toe (Hajipur),
P.S.- Desri, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Mushtaque Alam

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Rosera P.S. Case No. 176 of 2016 corresponding to Sessions Trial No. 721 of 2016 instituted for the offence under Sections-363, 366(A)/34 of the Indian Penal Code.

Counsel for the petitioner has submitted that the petitioner is in custody since 27-08-2016.

The supplementary affidavit has been filed today in the court along with certificate issued by Mukhiya of the Panchayat wherein it has been mentioned that the victim girl has performed marriage on 24-04-2017. Counsel for the petitioner has enclosed the affidavit of the victim girl and the marriage certificate enclosed as Annexures-5 and 5/1 which are affidavit filed by the victim girl and marriage certificate. The victim has filed affidavit stating that she has performed marriage with the petitioner voluntarily on 10-06-2016 and



is living as husband and wife.

The case diary has been received along with statement of victim girl recorded u/S 164 Cr.P.C. The victim girl has supported the case in her statement u/S 164 Cr.P.C. but from the affidavit filed by victim girl (Annexure-5), it appears that she has performed marriage with this petitioner voluntarily on 10-06-2016.

In such circumstances, prayer for bail is allowed. The petitioner named above is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each in connection with Rosera P.S. Case No. 176 of 2016 corresponding to Sessions Trial No. 721 of 2016 to the satisfaction of learned Additional District & Sessions Judge, Rosera with condition that both the bailors should be close relatives of the petitioner.

(Sanjay Priya, J)

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