

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14099 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -DHANSORI District- BUXAR

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Rajesh Upadhayay Son of Sheo Shankar Upadhyay, Resident of Village-
Ahirouli, Police Station- Dhansoi (Buxar), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandani Kumari, D/o Late Raj Narayan Pathak, Resident of Village-
Pathawalia, P.S.- Dhansoi, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Achhaibar Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 25-05-2017 Heard both sides.

The petitioner apprehends his arrest in Buxar
Dhansoi P.S. Case No. 93/2016, registered for the offences
punishable under Sections 363, 366(A) of the Indian Penal Code.

The victim alleged that on 08.06.2016, the petitioner
informed her through mobile that her sister-in-law (Bhabhi) was ill
and admitted in Banaras Hospital. Then the victim came, the
petitioner took her Banaras on train and the petitioner offered
some food and the victim became unconscious. The victim was
taken to Sikanderabad.

Learned counsel for the petitioner submits that the
victim is a major girl. Her date of birth is mentioned in Bihar



Matriculation Certificate as 15.06.1997. She voluntarily solemnized marriage with the petitioner, but when she returned she lodged the case at the instance of her parents. It is further submitted that the victim disclosed her age to be 16 years in her statement under Section 164 Cr.P.C., but the date of birth of the victim mention in the certificate is 15.06.1997.

Considering the facts aforesaid and the fact that the victim herself came on call of the petitioner and the victim appears to be major and she did not raise alarm or protest while she was moving along with the petitioner, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Buxar Dhansoi P.S. Case No. 93/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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