

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39722 of 2017

Arising Out of PS.Case No. -174 Year- 2017 Thana -SAHARSA District- SAHARSA

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Ghan Shyam Kumar, son of Shivendra Bhagat @ Bechan Bhagat, resident
of village Aurahi, Ekparha Tola Natnaja, P.S. Gamharia, Distt. Madhepura.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Smt. Sahin Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Sadar P.S.

Case No. 174 of 2017 instituted for the offence under Sections
363, 366A and 34 of the Indian Penal Code.

It has been submitted that the victim girl has married
with the petitioner which will appear from her statement recorded
under Section 164 Cr. P.C. She has stated her age in the statement
under Section 164 Cr. P.C. as 19 years. As per medical
examination, the Doctor has assessed the age of the victim girl
above 18 years.

The learned Sessions Judge has mentioned in the
impugned order that the learned Chief Judicial Magistrate has
released the victim girl after treating her as major. The victim girl
has specifically stated in her statement that she has love affair with



this petitioner and she has voluntarily married with him and went to Delhi.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Sadar P.S. Case No. 174 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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