

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13441 of 2017

Arising Out of PS.Case No. -77 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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SURESH LAL SRIVASTAV @ SURESH SRIVASTAV, S/O LATE
NANHI LAL SRIVASTAV, RESIDENT OF VILLAGE-SISWAN
PURABPATTI, P.S.-SISWAN, DISTRICT-SIWAN

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 17-05-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

The present episode relates with enticement of Puja Kumari and for that, the complainant-informant filed Complaint Petition No.1163/2015 which was sent to local police for registration and investigation of the case in terms of Section 156(3) of the Cr.P.C. At an earlier occasion petitioner had approached this Court under Cr. Misc. No.33238/2016 (Anneuxre-1) which was rejected vide order dated 16.08.2016 giving a liberty to renew after recovery of the victim.

In spite of direction issued by the Hon'ble Apex Court prescribing methodology for ascertainment of age of the victim repeatedly, in 2013 Cr.L.J 3976 as well as (2015) 7 SCC 773 lower courts are frequently treating the prayer of the I.O. for allowing the victim to be medically examined, allowed and the same, in the background of direction having been given by the Apex Court, is deprecated.



In the aforesaid background, the finding of the Medical Board would not be acceptable relating to the victim be she minor or major in terms thereof. However, considering the statement of the victim whereunder she had not pinpointed the petitioner to be responsible for her disappearance, petitioner Suresh Lal Srivastav @ Suresh Srivastav is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned First Additional Sessions Judge, Siwan in connection with POCSO Tr. No.42/2017 arising out of Siwan Mahila P.S. Case No.77/2015.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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