

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20334 of 2017

Arising Out of PS.Case No. -85 Year- 2016 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

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1. Sunil Rai Son of Sitaram Rai, Resident of Village- Terasaiya, Pillar
No.10, P.S.- Ganga Bridge, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Srinandan Prasad Singh,Advocate,
Mr. Naresh Nandan, advocate
Mr. surendra Prasad Singh, Advocate,
For the informant : Mr. Ranjit Kumar, Advocate
For the State : Mr. Arvind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 12-07-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since 25.11.2016 in

a case registered for the offences punishable under Sections 363

and 366 (A) of the Indian Penal Code.

The prosecution case as lodged by the father of the

victim girl, Sarita Kumari is that on 5th of October when she was

going to school was taken away by the petitioner in his tempo

where another person was also sitting.

It has been submitted by the learned counsel for the



petitioner that he is innocent and the victim girl recorded her statement under Section 164 Cr. P. C. has not alleged any overt act committed by the petitioner and as such Section 366 (A) OF the Indian Penal Code is not applicable. It has further been submitted that the medical report assessed her age to be 17 to 19 years. He submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that the victim girl was a tender age and she has deposed under Section 164 Cr. P.C. that she was forcefully taken away and at any how, she managed to escape , hence, vehemently opposes the prayer for bail.

Learned A.P.P. also opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Vaishali at Hajipur in connection with Ganga Bridge P.S.Case No. 85 of 2016, subject to the condition that the petitioner will appear before the learned



Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds .

(Nilu Agrawal, J)

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