

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4784 of 2018

Arising Out of P.S.Case No. -641 Year- 2017 Thana -PHULWARI District- PATNA

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Rakesh Roshan @ Munna, S/o Surendra Prasad, Resident of Mohalla- Fair Field Colony, Digha, Renter in the house of John Alfrade, P.S.- Digha, Dist- Patna. at present Baikatpur Kishnauta Tola, P.S.- Khusrupur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rajender Narayan, Sr. Advocate,
Mr. Alok Ranjan, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 02-02-2018 Heard learned Senior Counsel for the petitioner and
learned counsel representing the State.

The petitioner is seeking regular bail in Phulwarisharif P.S. Case No. 641/2017 (G.R. No. 6461/2017) registered for the offence under Section 366(A) of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that the Marriage Certificate, as contained in Annexure-2 to the present application, has been granted by the Marriage Officer, Patna on 03.10.2017 when the petitioner and the daughter of the informant solemnized marriage being major in presence of the witnesses. The daughter of the informant has signed the declaration as required under Section 11 of the Special Marriage Act and only



after solemnization of marriage, the certificate dated 03.10.2017 was issued. A copy of the AADHAR card which is available on the record shows the date of birth of the daughter of the informant as '01.01.1998', meaning thereby that the daughter of the informant was more than 19 years old on the date of marriage. It is, however, submitted that later on, under undue pressure from her family the daughter of the informant made a statement under Section 164 Cr.P.C. wherein she alleged that she had gone with the petitioner under threat and this petitioner had forcibly entered into physical relationship with her.

Learned counsel for the State is present.

Considering the facts and circumstances which are apparent from the Marriage Certificate and the copy of the AADHAR card, I am inclined to grant regular bail to the petitioner. Let the petitioner, named above, be enlarged on bail on his furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Sri Ved Prakash Modi, A.C.J.M., Patna in connection with Phulwarisharif P.S. Case No. 641/17 (G.R. No. 6461/2017), subject to the conditions as laid down under Section 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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