

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4459 of 2018

Arising Out of PS.Case No. -40 Year- 2017 Thana -BAUSI District- PURNIA

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Md. Jahur S/o Late Yasin, R/o Village- Baisi Bazar, P.S.- Baisi, District-
Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-02-2018 Heard learned counsel for the petitioner and
the learned A.P.P. for the State.

Petitioner, in the present case, is seeking
regular bail in connection with Baisi P.S. Case No. 40 of
2017 registered for the offence punishable under Sections
363, 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that
victim girl namely, Gulsan Khatoon, who has been
described as 17 years old on the date of lodging of the
F.I.R., has appeared before the learned Magistrate and got
recorded her statement under Section 164 Cr.P.C. In her
statement, she has disclosed her age as 19 years and then
she has also stated that on 18.03.2017 she had left her
house alone, called this petitioner over telephone and
thereafter both of them went to Mumbai by Train where
they have performed their Nikah. She has also stated that
this petitioner has not committed any offence.

Learned counsel for the petitioner submits that
the victim girl namely, Gulsan Khatoon, is in fact living



with him as wife and is pregnant also. Under these circumstances his continuous confinement in jail is not likely to serve any purpose.

Learned counsel for the State however while opposing the prayer for bail submits that the girl was minor at the time of alleged occurrence. From the registration card of the Bihar School Examination Board, it appears that the girl was between 17 – 18 years on the alleged date of occurrence. She is said to be living with this petitioner at his residence and is pregnant also.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No. 40 of 2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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