

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 4779 of 2018

Arising Out of PS.Case No. -492 Year- 2017 Thana -MUFFASIL District- WESTCHAMPARAN (BETTIAH)

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1. Sandeep Tiwary, Son of Awadh Kishor Tiwary, Resident of Village-
Barwat Prasrain, P.s.- Bettiah (M), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-03-2018 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 366A of the Indian Penal Code
and Section 4 of the Protection of Children from Sexual Offenses
Act, 2012.

The Statement of the victim would reveal that she
has alleged nothing against the petitioner which is stated in the
FIR, rather she has stated that she has voluntarily married with the
petitioner.

Learned counsel for the informant opposed the
prayer for bail on the ground that the victim is a minor below 13
years, hence, she is incompetent to enter into a marriage or
incompetent to say anything. He further submits that when the



informant went to the house of the petitioner then he was abused by the parents of the petitioner and also threatened by them.

After hearing the parties, I am of the view that the minor is not incompetent to say that no offence has been committed against her, hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bettiah Mufassil Police Station Case No. 492 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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