

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63743 of 2017

Arising Out of PS.Case No. -467 Year- 2017 Thana -WAJIRGANJ District- GAYA

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Salman Hussain, son of Late Amir Hussain, resident of Mohalla – Chhuriya,
P.S. – Govindpuri, District Mehrouli, New Delhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 11-01-2018

Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the
State.

Petitioner, in the present case, is seeking regular
bail in connection with Wazirganj P.S. Case No.467/2017
(G.R. No. 6403/2017) registered for the offence punishable
under Sections 363, 366(A) of the Indian Penal Code.

The F.I.R. in the present case was lodged by the
grand father of one Kajal Kumari stating that the said girl
aged about 16 years had gone missing from her house at
Pathroura. He raised a suspicion that a young man might
have kept her concealed somewhere.

It is further stated that father of the victim girl is
residing at New Delhi, therefore, his mobile number was also



provided in the F.I.R. for information.

Learned counsel for the petitioner submits that the victim girl appeared before the learned ACJM-1, Gaya and got recorded her statement under Section 164 Cr.P.C., she has been found to be of 18 years of age by the learned ACJM-1, Gaya. The girl claimed herself 19 years old and made a categorical statement that while she was living in New Delhi, she had come in contact with Salman (petitioner) who was also residing there. She admitted to have left her house and then she further stated about solemnization of marriage with said Salman on 5th October, 2017 in Saket Court. A copy of her statement under Section 164 Cr.P.C. is Annexure-2 to the present application. Her date of birth certificate issued by the Government of National Capital of Territory of New Delhi is also Annexure-3. A copy of the PAN Card has been brought on the record showing her date of birth as 18.12.1998. The photocopy of the identity card of Government Middle School, Kukihar (Gaya) shows her date of birth as 18.12.1998, a marriage certificate is also there on the record and above all there is an order dated 18.10.2017 passed by the Court of learned ACJM-1, Gaya in Wazirganj P.S. Case No. 467/2017, whereunder the learned ACJM-1,



Gaya has upon perusal of the evidences placed before him took a view that the age of the victim shall be regarded as above 19 years and she shall be treated to be major. The victim girl was not willing to go to the house of her father, in such circumstances she was set a free and has been allowed to reside with the person of her choice.

Learned counsel for the petitioner submits that in the facts and circumstances particularly on the face of the order dated 18.10.2017 passed by learned ACJM-1, Gaya, the allegation against the petitioner are not substantiated and it would be a fit case of grant of regular bail to the petitioner. The victim girl is residing in the house of the sister of this petitioner on her own volition. The order passed by the learned ACJM-1, Gaya has not been challenged before any appropriate court of law till date.

On the other hand, learned counsel representing the informant submits that the petitioner has got fabricated some documents to show a date of birth which may bring the victim girl in the category of a major and on the strength on those fabricated documents, he has got the order dated 18.10.2017 from the Court of learned ACJM-1, Gaya. Learned counsel for the informant however accepts the position that the order



of learned ACJM-1, Gaya has not been challenged till date before any other court of law. He submits that order would be challenged very soon. He does not dispute the factual position that on production the girl had denied living with her father.

Learned Additional Public Prosecutor for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and materials on record, I am inclined to grant regular bail to the petitioner, 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 Additional Chief Judicial Magistrate – 1st, Gaya, in connection with Wazirganj P.S. Case No.467/2017 (G.R. No. 6403/2017), subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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