

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60638 of 2018

Arising Out of PS.Case No. -171 Year- 2015 Thana -PAKRIDAYAL District- EASTCHAMPARAN
(MOTIHARI)

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1. Arvind Ram @ Arvind Rai son of Rameshwar Ram,
 2. Ajay Sahani @ Ajay Sahani, son of Ramblav Sahani,
 3. Rameshwar Ram, son of Late Khelawan Ram,
 4. Vinod Sahani son of Sita Ram Sahani, All Resident of Village- Semara Sagardina Tola Laxmipur, P.S. Chiraiya, District- East Champaran.
 5. Jitendra Ram son of Late Mosafir Ram, Resident of Village- Virta Chamar Toli, P.S.- Fenhara, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s Mr. Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 08.10.2018 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection
with Pakaridyal P. S. case no. 171/2015 registered under
sections 363, 366A and 120B of the IPC.

The statement of victim has been recorded under
section 164 Cr.P.C in which she, specifically, stated that she
left her home along with petitioner no.1 and subsequently,
solemnized her marriage with petitioner no.1. She also
stated in her statement that now, she is mother of one child



out of the above stated wedlock. She expressed her desire to go with her husband. It is surprising enough that in spite of the aforesaid fact, Addl. Sessions Judge I, East Champaran at Motihari rejected anticipatory bail of the petitioners, particularly, in the circumstance, when the concerned court assessed the age of the victim as 25 years and she disclosed her age as 20 years at the time of recording statement under section 164 Cr.P.C. Therefore, the aforesaid fact also goes to show that she was major at the time of alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/surrender within six weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the 10th Addl. Chief Judicial Magistrate, East Champaran at Motihari in Pakaridyal P. S. case no. 171/2015 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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