

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8699 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- MAHILA P.S. District- Saharsa

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Mohan Sahni, Late Jaikant Sahni, Resident of Village-Sulindabad, P.S-
Saharsa Sadar, Distt.-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Adv.

For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
29.09.2018 in a case registered for the offence punishable
under Sections 376, 313, 323, 504, 506, 34 of the Indian Penal
Code.

It is alleged against the petitioner that on the pretext
of performing marriage he established physical relationship
with the informant and when she became pregnant, the
accused persons, including the petitioner assured her to



perform her marriage with the petitioner. It is further alleged that on 23.03.2017, all the accused persons, including the petitioner, under a conspiracy got the pregnancy of the informant terminated. After having received such information, the mother of the informant lodged the present case.

It is submitted by learned counsel for the petitioner that in the statement recorded under Section 164 of the Cr.P.C. the victim got her age recorded as 19 years, whereas, the learned Court below has assessed her age as 18 years, wherein she has stated that on 23.03.2019 she went to her sister's house of her own and two days thereafter she called the petitioner and thereafter she performed marriage with him. She expresses her willingness to stay with the petitioner.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the victim in the statement under Section 164 of the Cr. P.C. got her age recorded as 19 years, whereas the learned Court below has assessed her age as 18, and she claimed to have performed marriage with the petitioner and the investigation being concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate, 1st Class, Saharsa, in connection with
Saharsa Sadar Mahila P.S. Case No 52 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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