

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20940 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- HISUWA District- Nawada

RAJU KUMAR Son of Binod Mistri @ Vinod Sharma Resident of Village-Karamchak, P.S.-Hisua, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Baleshwar Mistri @ Balendra Sharma Son of Lakhan Mistri Resident of Village-Karamchak, P.S.-Hisua, District-Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Prasad

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 10-09-2020 The defects as pointed out by the office be ignored.

Heard Mr. Gauri Shankar Prasad, learned counsel appearing for the petitioner as well as Mr. Ram Priya Sharan Singh, learned P.P. Incharge, for the State.

Petitioner is in jail custody since 31.8.2019 in connection with Hisua P.S. Case No. 184/2019 registered for the offences punishable under Section 366A of the Indian Penal Code.

The statement of victim was recorded under Section 164 of the Cr.P.C. on 30.8.2019 and the learned Magistrate, who recorded the statement of victim, assessed the age of victim as 20 years whereas the victim disclosed her age as 18 years.



However, the learned Sessions Judge having taken note of this fact that the age of victim has been entered as 01.01.2004 in Adhar card, rejected the bail of the petitioner without taking note this fact that the victim very, specifically, stated in her statement that she solemnised her marriage with petitioner by her own sweet will and she was carrying pregnancy.

Considering the aforesaid facts and circumstances, particularly, the statement of victim recorded under Section 164 of Cr.P.C., let the petitioner, above named, 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 Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 184/2019.

(Hemant Kumar Srivastava, J)

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