

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78957 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- SULTANGANJ District- Bhagalpur

Riya Kumari @ Nidhi Kumari D/O Late Prasadi Mandal, Resident of Village - Bhuwalpur, P.S.- Nath Nagar , Distt.- Bhagalpur, At Present C/O Naresh Mandal , Village - Dudhaila, P.S.- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Santosh Kumar Son of Sohan Mandal Resident of Village - Barohiya, P.S.- Budhuchak, Distt.- Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Shiwesh Chandra Mishra
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-02-2020 This application has been filed for cancellation of bail granted to Opp.Party no.2 by learned Xith Additional Sessions Judge, Bhagalpur in Bail Petition No.807 of 2019 arising out of Sultanganj P.S. Case No.106 of 2019 registered under Section 376 of the Indian Penal Code on the ground that in the statement recorded under Section 164 Cr.P.C. the petitioner has disclosed her age as 19 years and, as such, she is a major and consenting party.

Submission of learned counsel for the petitioner that during investigation, witnesses have supported the prosecution case and in her statement under Section 164 Cr.P.C. she has stated that Opp.Party no.2 has made bodily relation with false



assurance of marriage.

I have perused the impugned order granting bail to Opp.Party no.2, from which it appears that the petitioner has been granted bail on considering that the girl is major and there was intimacy between the parties.

Considering the facts, as stated above, I am not inclined to interfere with the impugned order.

The application for cancellation of bail is dismissed.

(Vinod Kumar Sinha, J)

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