

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73909 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

Ganesh Choudhary, Son of Mithai Lal Choudhary R/o - Mohalla Kajipura,
Ward No.23, P.S.- Sasaram (Town), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 06-03-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Sasaram (M) P. S. Case No.133 of 2019 registered for the offences punishable under Section 366(A) of the I.P.C.

The statement of victim was recorded under Section 164 of the Cr.P.C., which is evident from perusal of Paragraph-47 of the case diary. In the aforesaid statement, she specifically stated that she left her home by her own volition and she was not allured by anyone. The victim disclosed her age as 18 years and perhaps the learned Magistrate, who recorded statement of the victim, assessed her age as 16 years. The learned Additional Sessions Judge-15, Sasaram, Rohtas rejected the bail prayer of



the petitioner only on the ground that the victim was minor, but he failed to take note of this fact that even if the victim was only 16 years of age at the time of alleged occurrence, then also she was capable to narrate the incident which happened with her.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (M) P. S. Case No.133 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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