

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11309 of 2015

Arising Out of PS.Case No. -52 Year- 2014 Thana -DHANSOI District- BUXAR

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1. Aslam Nat @ Ajay S/o Bachchulal Nat Resident of Village Banni, P.S. Dhansoin, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Satyavrat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR
LAL
ORAL ORDER

3 26-06-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offence punishable under sections 354, 354(A), 376/34 of the Indian Penal Code.

The allegation against the petitioner is that the prosecutrix was intercepted by the petitioner and his two associates and thereafter the petitioner committed rape on her.

Learned counsel for the petitioner submits that the petitioner has claimed that she is aged about 15 years and is a student of Class IX in Kanehri High School, Buxar and the petitioner is a teacher of the said school and he has been keeping his eyes on her for the last six months. He has further submitted



that the petitioner is a married lady and she was earlier married to one Rajesh Kumar and she had also filed a petition for grant of benefit under Kanya Vivah Yojna in which she has mentioned her age as 20 years and in the marriage registration application she has also mentioned her age as 20 years on 26.10.2011 whereas the alleged date of occurrence is 24.04.2014. He has also stated that during investigation, the Incharge Headmistress of the School has been examined and she has stated that the prosecutrix had appeared in the matriculation examination in the year 2012 but she failed. Thereafter she is not a student of that school and she has also stated that accused petitioner Aslam Nut is not a teacher of the said school. It has also come during investigation that the prosecutrix is a married lady but she has no connection with her previous husband and she wants to re-marry with the petitioner which has been refused and thereafter this case has been lodged against the petitioner. The petitioner is in custody since 11.10.2014 and charge sheet has already been submitted in the case and as such there is no chance of tampering with the witnesses. The petitioner has no criminal antecedent.

It is submitted on behalf of the informant that the Doctor, who examined the prosecutrix, has assessed her age as 16-17 years and, thus, she is a minor and after investigation the

case has been found to be true.

Considering the facts and circumstances stated above by both the parties, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Buxar in connection with Dhansoin P.S. Case No. 52 of 2014 with the following conditions:-

1. The petitioner will not indulge himself in similar or any other offence.
2. One of the bailors must be the close relative of the petitioner.
3. The petitioner will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, his bail bond would be liable to be cancelled by the learned court below concerned.

Amin/-

(Amaresh Kumar Lal, J)

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