

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18705 of 2015

Arising Out of PS.Case No. -27 Year- 2014 Thana -SOHSARAI District- NALANDA
(BIHARSHARIFF)

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GANESH @ FOOTBALL @ FOOTBAUL @ ARYAN @ ARIYAN, SON
OF RAJENDRA PASWAN @ RAJENDRA PRASAD. RESIDENT OF
VILLAGE - JALALPUR, POLICE STATION - SOHSARAI, DISTRICT -
NALANDA.

..... PETITIONER/S
VERSUS
THE STATE OF BIHAR.

..... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 09-09-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with Sohsarai
P.S. Case No. 27 of 2014 (Sessions Trial No. 571 of 2014)
registered under Section 372/34 of the Indian Penal Code.

The allegation of informant, Chinta Devi, is that her
daughter, Rajani Kumari, and her son Rahul Kumar had gone to
R.P.S. School, after closing of school her son was waited for
Rajani Kumar for long time but she did not come out from school.
Thereafter her son went inside the school and enquired about his
sister but she did not found. After some time, informant came to

know that petitioner along with Randhir Kumar forcibly took her daughter for sale.

Learned counsel for the petitioner submits that it would appear from the F.I.R. and the case diary that there is no eye witness of the occurrence about the kidnapping of the daughter of the informant by the petitioner and his associates. It is further submitted that in course of investigation in paragraph 24 of the case diary it is only detailed that the victim reached at the police station with her mother, who is the informant and thereafter her statement under Section 161 has been recorded by the police and later on her statement in paragraph 29 of the case diary, in which, she has stated about committing rape by the petitioner and later on she also included the name of Randhir Kumar in her statement recorded under Section 164 of the Cr.P.C. Co-accused, Randhir Kumar has already been granted privilege of bail by the court of Sessions Judge-cum Vacation Judge, Nalanda vide order dated 23.09.2014 passed in B.P. No. 841 of 2014. It is further submitted that the medical board has examined the victim on 30.03.2013, in which, her age was assessed in between 16 to 17 years and no injury was found on her private parts with opinion that she was habituated to sexual intercourse and there is no evidence of recent sexual intercourse. It is further submitted that

petitioner having no criminal antecedent is in custody since 30.03.2014.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge, Nalanda at Biharsharif, in connection with Sohsarai P.S. Case No. 27 of 2014 (Sessions Trial No. 571 of 2014).

(Rajendra Kumar Mishra, J)

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