

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6148 of 2015

Arising Out of PS.Case No. -143 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

=====

1. Manoj Pandey son of Late Lalmuni Pandey Resident of Village - Jagdishpur, P.S. - Sonhan, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 20-05-2015 Heard both sides.

The petitioner seeks bail in a case registered under Sections 365, 366 and other sections of the IPC.

The husband of the victim alleged that on 25.3.2014, the petitioner and others kidnapped his wife in presence of his sons Ram Bachan Dubey and Anil Dubey.

It is submitted that the date of occurrence is 25.3.2014. The informant's sons are said to be the eye witnesses of the occurrence, but complaint petition was filed on 29.3.2014 and on the basis of which, the present FIR was lodged. The victim herself made statement under section 164 Cr.P.C and she disclosed that none was present in the house of the petitioner and Raju Pandey kidnapped and took her to Hyderabad.

It is submitted that the victim is a woman aged about 45 years having three children. The entire case is concocted. The victim was not recovered from the possession of the petitioner. The victim was not medically examined. From perusal of the statement made under section 164 Cr.P.C., it appears that the

victim was a consenting party otherwise she would not have been taken to Hyderabad without her consent.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that the victim has made very specific allegation that the petitioner and Raju Pandey kidnapped her and committed rape with her.

It appears that the victim is a lady of 45 years old and she got three children. Her marriage was solemnized with the informant about 19 years ago. The victim herself disclosed that she was taken to Hyderabad but she could not protest while she was being taken.

Considering the facts aforesaid, the petitioner, named above, is directed to be enlarged 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua (Sonhan) P.S.Case No.143 of 2014.

(Prabhat Kumar Jha, J)

ahk/-

U		T	
---	--	---	--