

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29183 of 2014

Arising Out of PS.Case No. -12 Year- 2014 Thana -BAGAIINGOLA District- BUXAR

1. Madan Khan
2. Firoz Khan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sanjay Kumar Panday(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 13-02-2015

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 27.02.2014 in a case registered for the offences punishable under Sections 366A and 120B of the Indian Penal Code.

The accusation is of enticing away the minor sister of the informant.

In 161 and 164 Cr. P.C. statements, the victim alleged that she was taken to Ranisagar, Kolkata and Dumrawn where the petitioners established forceful physical relationship.

It is submitted by learned counsel for the petitioners that the occurrence took place on 20.02.2014 and the FIR was lodged on 26.02.2014 when the police came to know that the victim is at Raghunathpur railway station then she was caught by police. The victim was medically examined on 01.03.2014 where the age of

the victim has been assessed between 17 to 18 years. The Medical report of the victim does not suggest any evidence of rape and the old ruptured hymen was found. It is further submitted that entire family of the petitioners have been made accused. Petitioner no.1 is the father of petitioner no.2. Initially 8 persons of the family of the petitioners were made accused, out of them, four persons have not been sent up for trial. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the inconsistency in 161 and 164 Cr. P.C. statements of the victim and the medical opinion nor corroborating the accusation, let the above named petitioners, be released on bail, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Bagen Gola P.S. Case No. 12 of 2014.

(Dinesh Kumar Singh, J)

Amrendra/-

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