

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31233 of 2014

Arising Out of PS.Case No. -62 Year- 2014 Thana -MANIHARI District- KATIHAR

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Ashish Gupta son of Binod Gupta, resident of Mohalla- Satsanga Nagar,
Begna, P.S.- Katihar Town, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 13-01-2015 Heard both sides.

The petitioner Ashish Gupta seeks bail in Manihari P.S. Case No. 62 of 2014, registered for the offences punishable under Section 365 of the Indian Penal Code. Guddu Sah, the informant alleged that his wife Sweety @ Rashmi Devi fled away from his house of 22.03.2014. One auto rickshaw driver informed the informant from his mobile no. 8797558660 about the informant's wife but she could not be traced.

Learned counsel for the petitioner submits that during course of investigation, the victim was recovered from the house of one Dulal Sah. The victim made statement under Section 164 of the Cr.P.C. in which she disclosed that on account of quarrel with her sister-in-law she left the house but one Abhinav and Ashish

Gupta the petitioner kidnapped her and they kept her in a hotel. She further disclosed that she did not know them but they were calling their names and that's why she came to know their names. Firstly, she disclosed that they teased her but later on she disclosed that they made sexual relation with her.

Considering the facts aforesaid and the fact that the victim did not resist her kidnapping or sexual intercourse which shows that the victim was a consenting party and the fact that the petitioner is in jail since 12.04.2014, the petitioner 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 learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 62 of 2014.

(Prabhat Kumar Jha, J.)

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