

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34886 of 2014

Arising Out of PS.Case No. -123 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Sheo Kumar Sah @ Sheo Kumar Son of Rameshwar Sah, resident of
village- Noneya Bankat, P.S.- Paharpur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Arun Kr. Singh No. 5 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 19-01-2015

Heard both sides.

The petitioner seeks bail in Nautan
(Jagdishpur) P.S. Case No. 123 of 2014 registered under sections
420, 363 and 376 of the Indian Penal Code.

The victim alleged that on the pretext of
dropping her at the working place of her husband the petitioner
took her to Muradabad and kept her for a month in his own
house. She further alleged that petitioner continuously commit
rape with her. She came to her house situated in the district of
Bettiah on 29.4.2014. The petitioner again started threatening her
and wanted to have sexual intercourse. Thereafter the informant
lodged this case on 25.05.2014.

Learned counsel for the petitioner submits that the victim is a married women.

She got many children and no such occurrence has ever taken place. She did not may any hue and cry either at the time of taking her to Muradabad nor during her stay in Muradabad. She came to her house but she did not disclose this fact to any her family members. One month after return she lodged a case. It is submitted that the petitioner is a laborer and working in the family of the informant and on account of wage dispute this case has been lodged.

On the other hand learned counsel for the informant opposed the prayer for bail and submits that there is very specific allegation that petitioner repeatedly committed rape and even after her return, the petitioner made an attempt to commit rape on her.

From perusal of the record it appears that the informant voluntarily went along with the petitioner to Muradabad and she stayed with the petitioner for a month but did not raise any objection. When she returned to her house she did not inform anybody for about a month while she was living in her own house and only thereafter this case has been

lodged.

Considering the aforesaid facts, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand0 with two sureties of like amount each to the satisfaction of Judicial Magistrate, Ist Class, West Chjamparan at Bettiah in Nautan (Jagdishpur) P.S. Case No. 123 of 2014.

(Prabhat Kumar Jha, J)

M.Rahman/-

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