

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16598 of 2015

Arising Out of PS.Case No. -57 Year- 2014 Thana -MAHILA PS District- KATIHAR

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1. Shashi Bhushan Kumar Sah Son of Late Brahmdeo Prasad Resident of
village - Pakratola, Azmabad, Police Station - Gopalpur, District -
Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 11.09.2015 Supplementary affidavit is filed on behalf of the petitioner.

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Statement of victim has been recorded under section 164 of
the Cr.P.C in which she specifically stated that after her kidnapping,
she was kept for one day at the Naugachia in the house of the
petitioner and after that she was sent to Saharanpur where petitioner
and one co-accused Rizwan, from whose house victim was recovered,
established physical relation with her.

Learned counsel for the petitioner points out that story of
rape has not been believed either by the prosecution or the court that is
the reason charge for the offence under section 376 of the Indian Penal
Code has not been framed and so far as story of kidnapping is
concerned, according to the prosecution case itself, she was not

kidnapped by the petitioner on initial stage rather after kidnapping victim was brought to the house of the petitioner where she was kept only for one day.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in Katihar Sadar (Mahila) P.S. Case no. 57/2014.

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(Hemant Kumar Srivastava,J)

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