

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44446 of 2014

Arising Out of PS.Case No. -173 Year- 2013 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sk. Sazad
 2. Sk. Ashhab

Both are son of Sk. Yasin R/o Village Bhawanipur, P.s. Nakardei,
District East Champaran

..... Petitioner/s
Versus

The State of Bihar

..... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 04-02-2015 Heard Mr. Ansul, learned counsel for the petitioner and
learned counsel for the State.

The petitioners are in custody in connection with Adapur
P.S. Case No. 173 of 2013 for offence punishable under Sections
366 and 120B of the Indian Penal Code.

The FIR charges these two petitioners alongwith some
others of kidnapping the married daughter of the informant and
keeping her in illegal confinement only to be released on social
pressure on 18.11.2013 at 11:30 P.M.

Mr. Ansul, learned counsel for the petitioners with
reference to the allegation has submitted that though the alleged
occurrence has taken place on 15.11.2013 but there is a delay of

four days in institution of the FIR and even when the girl has been recovered on 18.11.2013 there is no whisper that she has been subjected to any sexual assault. He submits that about two weeks thereafter that the statement of the girl has been recorded under Section 164 of the Code of Criminal Procedure in which the story of sexual assault has been introduced although the medical report does not confirm any external or internal injury. Pursuant to the order of this Court, the case diary has been received and Mr. Shantanu Kumar, learned Additional P.P. with reference thereto has submitted that although there are allegations against the petitioners but the medical report does not certify any recent sign of rape. The petitioners are stated to be in custody since 6.2.2014.

Having heard learned counsel for the parties and taking note of the submissions aforementioned, let the petitioners Sk. Sazad and Sk. Ashhab be released on bail upon each of them individually furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in connection with Adapur P.S. Case No. 173 of 2013.

(Jyoti Saran, J)

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