

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.371 of 2015

Arising Out of PS.Case No. -56 Year- 2012 Thana -FULKAHA District- ARRARIA

1. Mithilesh Paswan Son of Sri Rajendra Paswan Village-
Topnawajganj,P.S-Phulkaha,District-Araria
..... Petitioner/s
Versus
1. The State of Bihar
..... Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Kundan Kumar Singh
For the Opposite Party/s : Mr. A.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-03-2015 Heard both sides.

The petitioner seeks bail in a case under sections 395 ,
366 and other sections of the I.P.C.

The informant made allegation that her daughter-in-law
Sanjana Devi was kidnapped by the accused persons, and they also
committed dacoity in the house of the informant. It is submitted
that the date of occurrence is 13-11-2012, but the complaint was
filed on 19-11-2012. All the allegations of kidnapping and dacoity
are false and concocted. The victim was in love with the
petitioner, and she accompanied the petitioner to Haridwar, but
she did not raise any alarm during the traveling with the petitioner.
The victim made statement under section 164 Cr.P.C. after having

come in the influence of her family members. The victim is a married woman.

On the other hand, learned A.P.P. vehemently opposed the prayer for bail and submitted that the victim made categorical statement under section 164 Cr.P.C. that the petitioner kidnapped and kept her in Haridwar, and the petitioner also committed rape on her.

On a perusal of the records, it appears that the victim is major, aged about 24 years. The occurrence took place on 13-11-2012, but the complaint petition was filed on 29-11-2012. The informant did not raise any alarm while she was accompanying the petitioner to Haridwar, and during her stay with the petitioner. This fact shows that the victim was a consenting party.

Considering the aforesaid facts, the petitioner, above named, 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 Chief Judicial Magistrate, Araria, in Phulkaha P.S. Case No. 56/12, G.R.No. 2607/12.

B.Roy/-

(Prabhat Kumar Jha, J)

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