

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9313 of 2015

Arising Out of PS.Case No. -426 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Chandra Bhushan Lal Deo @ Chandra Bhushan Lal Dev Son of Raj
Kumar Lal Deo resident of village - Paunta, P.S. - Sadar (Sonki O.P.),
District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Renu Kumari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 16-07-2015 Heard learned Senior counsel for the petitioner and

learned counsel representing the State.

Petitioner apprehends his arrest in connection with

Sadar P.S. Case No. 426 of 2014 registered for the offences

punishable under Sections 363, 365, 366A/34 of the Indian Penal

Code and Sections 3 and 6 of Prevention of Children from Sexual

Offence Act.

Allegedly, minor niece of the informant did not

return after attending coaching, then on search it was learnt that

the petitioner forcibly took her away on Bollero vehicle, then the

informant went to the house of the petitioner with witnesses and

inquired from his parents and also saw bicycle of his niece parked



in the courtyard of the petitioner and the parents and other family members revealed that the petitioner had taken away the girl. The victim girl has appeared before the Police and her statement has been recorded under Section 164 Cr.P.C. wherein she has not named the petitioner and has stated that 6-7 unknown persons kidnapped her and after bringing her in a room they committed rape on her in unconscious state and continued their illegal act for 10-15 days. During medical examination she was found pregnant.

Submission is of false implication and that the victim has not stated the name of the petitioner though she knows the petitioner very well. The victim was having pregnancy and it goes to reveal that earlier to the date of occurrence she was having sexual relationship with her beloved. Other accused persons have been allowed bail and, as such, the petitioner also deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that the victim has not stated the name of the petitioner in her statement recorded under Section 164 Cr.P.C., the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of the learned Ist Additional Sessions Judge-
cum-Special Judge (POCSO Act), Darbhanga in connection with
Sadar P.S. Case No. 426 of 2014, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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