

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29847 of 2014

Arising Out of PS.Case No. -77 Year- 2014 Thana –BUDDHA COLONY District- PATNA

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Md. Islam, Son of Late Bazar Mian, Resident of Village- Dargah, P.S.-
Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rana Pratap Singh, Sr. Advocate.

For the Opposite Party/s : Mr. (APP).

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-01-2015

Heard both sides.

The petitioner, Md. Islam, seeks regular bail in
Budha Colony P.S. Case No. 77 of 2014 for the offence under
Section 376 of the Indian Penal Code and Sections 3, 4, 5 & 6 of
the Immoral Traffic Act.

On 10.03.2014, Soni Kumar alleged that Rinki @
Noor Jahan and Islam came to her house and with the permission
of her mother, Islam brought her to Budha Colony for domestic
work. She further alleged that Islam repeatedly committed rape
with her and she was compelled to indulge in flesh trade.

Learned counsel for the petitioner submits that the
victim is a lady of easy virtue. She made false and frivolous
allegation only to extract money from the petitioner. Soni Kumari
was earlier apprehended in connection with Kotwali P.S. Case No.



16 of 2014 while she and other girls were found indulged in flesh trade. Onkarnath Srivastaa @ Mohan Srivastava and seven other persons were apprehended. Soni Kumari disclosed her age to be 14 years in the aforesaid case and she also disclosed her father's name as Ramchandra Sah, but during the course of trial, said Soni Kumari was examined as PW2 in Sessions Trial No. 309 of 2014, arising out of Kotwali P.S. Case No. 16 of 2014, and she disclosed her father's name as Lallan Sah. She stated in her evidence that while she was coming to Boring Road, the police apprehended her along with many male members. The victim disclosed her age to be 30 years as on 29.04.2014.

Learned A.P.P., however, vehemently opposed the prayer for bail.

It appears that the victim in the present case disclosed that the petitioner called her as domestic help and committed rape with her, but in Kotwali P.S. Case No. 16 of 2014, she was apprehended by the police along with many other male members when she was found indulged in flesh trade. In the aforesaid case, she disclosed the name of her father as Ramchandra Sah, resident of Village Hathua Gaon, but in the deposition, she disclosed her age to be 30 years and daughter of Lallan Sah of Hathua Gaon

Considering the facts aforesaid and the fact that the

petitioner is in jail since 11.03.2014, the petitioner, named above, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ravi Ranjan, Judicial Magistrate, Patna in Budha Colony P.S. Case No. 77 of 2014.

(Prabhat Kumar Jha, J)

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