

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 2840 of 2015

Arising out of P.S. Case No. - 47 Year - 2014 Thana - SC/ST District - JAMUI

1. Qurban Mian, son of Bandhu Mian, Resident of Bhachhiyar, Police Station - Jamui, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-01-2015

Heard both sides.

The petitioner seeks regular bail in S.C./S.T. P.S. Case No. 47 of 2014, registered for the offences punishable under Sections 323, 504, 366, 376D, 372, 295A of the Indian Penal Code and Sections 3(i)(x)(xi)(xiii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant made allegation against the petitioner that he along with his son Abid Mian forcibly took her to a lonely place and committed rape. The accused persons kept her in Kolkatta. They also compelled her to do prostitution.

The learned counsel for the petitioner submits that all the allegations are false and concocted. The victim Sarita Devi @ Goli is the wife of Anil Ravidas. Anil Ravidas filed Laxmipur P.S. Case No. 93 of 2011 under Sections 366/34 of the Indian Penal Code and Sections 3(x)(xii) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act against Abid Mian, the son of the petitioner and the petitioner Qurban Mian. The victim appeared in the case and made her statement under Section 164 of the Code of Criminal Procedure and she disclosed that her parents forcibly married her with Anil Ravidas and thereafter Anil Ravidas subjected her to physical and mental cruelty. She was in love with Abid Mian and she was intending to marry with him. She went along with Abid Mian. Nobody had kidnapped her. The same Sarita Devi lodged the case making false allegation against son and father for committing rape.

Having considered the fact that the victim herself made 164 of the Code of Criminal Procedure statement in Laxmipur P.S. Case No. 93 of 2011 that she voluntarily left her house as her father forcibly married her with Anil Ravidas and she voluntarily married with Abid Mian. Thereafter she filed this case after two and half years making allegation that the petitioner and his son committed rape with her, 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 the learned Chief Judicial Magistrate, Jamui in connection with S.C./S.T. P.S. Case No. 47 of 2014.

(Prabhat Kumar Jha, J.)

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