

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35139 of 2014

Arising Out of PS.Case No. -208 Year- 2013 Thana -PURNEA SADAR District- PURNIA

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1. Shankar Rai @ Shankar Kumar Rai S/o Hira lal Rai @ Heriya Rai
Resident of Village Daspatar, P.S. Dagaruwa, District Purnia.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bijendra Kumar Singh

For the Opposite Party : Mr. Anish Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-02-2015

Petitioner is languishing in custody since 13.08.2013 in a case registered for the offences punishable under Sections 366(A), 120(B)/34 of the I.P.C.

The accusation is kidnapping the minor daughter of the informant. The victim in her 164 Cr.P.C statement got her age recorded as 16 years when the Court assessed her age as 17 years though as per medical opinion the victim was found between 18-19 years, where she stated that she was being kidnapped by Mahesh Lal Rai who took her to Khuskibagh on the auto-rickshaw of Juber Alam and from there the petitioner and Sanjay Rai took her to Delhi where she stayed for two months when Sanjay Rai and the petitioner committed rape.

It is submitted by learned counsel for the petitioner that as per medical opinion the victim has been

found between 18-19 years when no sign of rape has been found and the friends of the victim who were coming with the victim at the time of her kidnapping have suggested that victim was in love with Sanjay Rai and this fact has also been supported by the independent witnesses. This is not in dispute that victim of her own along with her parents returned to her home and thereafter 164 Cr.P.C statement of the victim was recorded. It is further submitted that Juber Alam has been granted bail vide Cr. Misc. No. 39280 of 2013.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar(Dagariwa) P.S. Case No. 208 of 2013.

Shageer/-

(Dinesh Kumar Singh, J)

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