

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16281 of 2016

Arising Out of PS.Case No. -132 Year- 2013 Thana -AURAI District- MUZAFFARPUR

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Bechan Sahni Son of Late Bhola Sahni, Resident of village- Bistha, P.S.-
Aurai, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brajesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-08-2016 Heard both sides.

The petitioner apprehends his arrest in Aurai P.S. Case No. 132 of 2013 registered for the offences punishable under Sections 364, 366(A) and 34 of the Indian Penal Code.

The informant alleged that Rubi Kumari daughter of the petitioner went to her house and took her daughter Khushbu Kumari, but her daughter did not return. The informant saw Dharmendra Kumar and Lalita Devi and five unknown persons were present in their house and they kidnapped her daughter Khushbu Kumari for illegal purpose.

It is submitted that the petitioner is not named in the FIR. The victim returned to her house and filed Complaint Case No. 2114 of 2013, but she did not name the petitioner as accused.

She made allegation against Lalita Devi, Dharmendra Kumar and Rubi Kumari. The complaint was filed on 06.08.2013. The victim made her statement under Section 164 of the Cr.P.C. on 30.08.2013 in which she disclosed that Lalita Devi and Bechan Sahni, the petitioner took Rs. 20,000/- from Dharmendra Kumar and then sent her along with Dharmendra Kumar who committed rape with her.

It appears that the victim made her statement after a month, but prior to that she filed the complaint case and did not name the petitioner.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Additional Sessions Judge-I, Muzaffarpur in Aurai P.S. Case No. 132 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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