

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16696 of 2016

Arising Out of PS.Case No. -347 Year- 2015 Thana -NAUTAN District- WEST CHAMPARAN
(BETTIAH)

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Sk. Bhutan, son of Sk. Lukmaan, resident of Village - Shivrajpur, Police
Station - Nautan, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Advocate.

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 14-07-2016

Heard both sides.

The petitioner apprehends his arrest in Nautan P.S.
Case No. 347/2015 registered under Sections 376/366(A) of the
Indian Penal Code and Section 6 of the Prevention of Children
from Sexual Offences Act.

The prosecutrix alleged that on 18.07.2015 while she
was returning after easing out at about 6:00 P.M., the petitioner
and his accomplice kidnapped her on a motorcycle and confined
her in a room and committed rape with her. She somehow came
out from the custody of the petitioner on 21.09.2015. Learned
counsel for the petitioner submits that the entire allegation is false.
The informant lodged the complaint petition on 23.09.2015
although she is said to have come out from the custody of the
petitioner on 21.09.2015. The victim made her statement under



Section 164 of the Code of Criminal Procedure only on 30.01.2016. The victim was examined by the doctor on 29.12.2015. The doctor found recent sign of rape although the victim came out of the custody of the petitioner on 21.09.2015. This itself creates serious doubt about the genuineness and veracity of the version of the prosecutrix. The prosecutrix is a major girl. It is submitted that this false case has been lodged by the prosecutrix only to save her brother. The petitioner filed Nautan P.S. Case No. 317 of 2015 on 14.09.2015 making allegation that Meraj Miyan, Ishraj Miyan, Imtiyaz Miyan (all sons of Ata Hussain), Safi Ahmad and others surrounded him and Ishraj Miyan fired which hit on the chest of the petitioner. Other accused persons also opened fire but the fire did not hit him. The injury report of the petitioner shows that he received only one punctured lacerated wound on his chest and he was referred to PMCH.

Learned A.P.P., on the other hand, has vehemently opposed the prayer for anticipatory bail.

It appears that Ishraj Miyan, who is alleged to have fired at the petitioner on 14.09.2015, is the son of Ata Hussain. The victim is the daughter of Ata Hussain and the victim filed this case only after ten days of the case filed on behalf of the petitioner

being Nautan P.S. Case No. 317/2015.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned 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 learned 1st Additional District and Sessions Judge, Bettiah, West Champaran in Nautan P.S. Case No. 347/2015 arising out of Complaint Case No. 02 C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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