

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54629 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -RAHIKA District- MADHUBANI

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Guddu Paswan, S/o Gonaaur Paswan, Resident of village - Izra, P.S. Rahika,
District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Learned counsel for the petitioner seeks permission to correct the date of custody which is 11.09.2016 instead of 19.09.2016.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 11.09.2016 in connection with Rahika P.S. Case No. 102 of 2016 registered for the offence punishable under Section 363,366A, 504/34 of the Indian Penal Code.

The prosecution case as alleged by the informant is that her daughter who is student of 8th class had gone to school on 11.02.2016 at 10.a.m and did not return and on search she came to know that her daughter was seen with the petitioner and one



Sanjay Paswan and when the informant went to the house of the petitioner his father and mother assaulted her.

It has been submitted by learned counsel for the petitioner that he is innocent and has no criminal history and the victim girl also in her statement under Section 164 Cr.P.c has not stated that the petitioner had committed any overt act against her and her age has been assessed to be 16 years although she has stated that she is 17 and ½ years. He submits that the medical examination of the victim girl also shows no sign of rape and her age has been assessed as 15-16 years by the Medical Board.

. However, learned A.P.P. for the State submits that petitioner is named in the FIR hence opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case as also material available, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Madhubani in connection with Rahika P.S. Case No. 102 of 2016 subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and



every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Nilu Agrawal, J)

Prakash/-

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