

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42519 of 2015

Arising Out of PS.Case No. -6 Year- 2014 Thana -KALYANPUR District- SAMASTIPUR

1. Pradeep Sah S/o Sitaram Sah Resident of Village Morwara, P.S. Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-01-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kalyanpur P. S. Case No. 6 of 2014 registered for the offences punishable under Sections 363, 366A, 376, 506, 34 of the I.P.C.

The prosecution case, as lodged by the informant, who is mother of the victim, Rani Kumari stated that she has instituted this case after alleged return of her daughter, who was allegedly kidnapped by five co-villagers including this petitioner and was subjected to sexual assault during the period of captivity.

Learned counsel for the petitioner submits that statement of the victim under Section 164 of the Cr. P.C. has

named two co-accused Babloo Kumar Rai and Puna Rai for committing the overt act.

It has further been submitted that the said allegation has been made against this petitioner due to land dispute and the medical report does not show any sign of sexual assault. It has further been submitted that the victim has narrated different story in the statement under Section 164 Cr.P.C. which is totally different from the prosecution version. Further it has been stated that the petitioner has no criminal history.

However, learned A.P.P. submits that the petitioner is named accused in the F.I.R.

However, since the two co-accused Baboo Kumar Rai and Puna Rai @ Punam Rai have already been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 18496 of 2014 on 18-07-2014, I do not propose to take a different view specially for the reason that no specific overt act has been attributed against this petitioner.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial

Magistrate, Samastipur in connection with Kalyanpur P.S.Case
No. 06/2014, subject to the conditions as laid down under Section
438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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