

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30267 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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1. Md. Unzul @ Md. Inzul Son of Taslim resident of village - Mohanpur
Kathara, Police Station Chhatapur, District - Supaul

2. Md. Gaffar Son of Tasawar resident of village - Mohanpur Kathara,
Police Station Chhatapur, District - Supaul

... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun, Advocate.

For the Opposite Party : Mr. Yogendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-10-2016 Heard both sides.

The petitioners apprehend their arrest in Chhatapur P.S.
Case No. 111 of 2016 registered for the offences punishable under
Section 366A and some other Sections of the Indian Penal Code.

The informant named four persons Md. Jamshed, Md.
Gaffar, petitioner no. 2 Md. Sakir and Md. Unzul @ Md. Inzul,
petitioner no. 1 and alleged that they all came to her house and
forcibly kidnapped her daughter at the point of pistol.

Learned counsel for the petitioners submits that the
informant is not an eye witness of the occurrence. She claimed
herself to be an eye witness of the occurrence, but she did not raise
any alarm in the village. The victim made her statement under
Section 164 Cr.P.C. on 07.05.2016 and disclosed that while she

had gone to attend call of nature Md. Jamshed and Md. Sakir forcibly kidnapped her on a motorcycle and took her to Gokhlapur. Both Md. Jamshed and Md. Sakir committed rape with her one by one and the victim named the petitioners as her co-villagers.

Considering the facts aforesaid and the fact that the victim altogether stated a different story of her kidnapping and made allegation against Md. Jamshed and Md. Sakir who kidnapped and committed rape with her and the victim did not made any allegation against the petitioners, the petitioners above named, in the event of their 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 Chief Judicial Magistrate-II, Supaul in Chhatapur P.S. Case No. 111 of 2016, 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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