

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26154 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -SAHODARA
District- WEST CHAMPARAN(BETTIAH)

Subhan Mian, son of Anrul Mian, resident of Village- Gadd- Gamhariya,
P.S.- Kangali, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Smt. Anita Kumari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 22-08-2016 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Sahodra P.S. Case No.57 of 2015 for
allegedly having committed the offence under Sections 366A
and 376/34 of the Indian Penal Code.

Case diary in the present was called for, which has
since been received.

Learned counsel for the petitioner submits that
prima facie the allegation under Section 376 I.P.C. is against
one Ashalam Mian and not against the present petitioner. It is
further submitted that the victim girl was recovered, who had

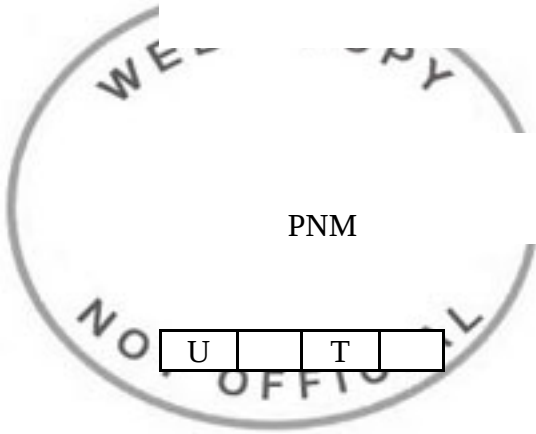


initially made her statement before the police that she was taken away by the petitioner and said Ashalam Mian to another place, but there is no allegation of rape therein. Thereafter, after a span of three months, her statement was recorded under Section 164 Cr.P.C. in which she has given colour to the story. However, even in the said statement, she has not made any allegation with regard to the petitioner having established any physical relation.

Learned counsel for the State after perusal of the case diary submits that the girl was found to be aged between 17-19 years and there is no specific allegation of rape in the case diary against the present petitioner.

After consideration of all facts and circumstances and the materials which are available in the case diary and also because the petitioner has a clean antecedent, let 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, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri K. Sudhanshu, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran, in connection with Sahodra P.S.

Case No.57 of 2015, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.



(Anjana Mishra, J)