

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1629 of 2016

Arising Out of PS.Case No. -214 Year- 2015 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Ashaz Alam @ Ashaj Alam son of Eajrail Ansari, Resident of Village -
Mirpur, P.S. - Chiraiya, District - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. A.A.Khan (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-01-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The statement of the victim has been recorded under

Section 164 of the Cr.P.C. in which she stated that she was raped

by the petitioner. The victim was found minor by the learned

Magistrate who recorded the statement of the victim under Section

164 of the Cr.P.C. as well as the Medical Board.

The contention on behalf of the petitioner is that the

victim was more than 16 years at the time of alleged occurrence

and as a matter of fact, she was a consenting party and that is the

reason she stated in her statement that when she as well as

petitioner were caught in objectionable condition, her brother

started beating her.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, I am not inclined to release the petitioner on bail at least at this stage and accordingly, his prayer for bail in connection with Chiraiya P.S. Case No.214 of 2015 stands rejected.

(Hemant Kumar Srivastava, J)

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