

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11939 of 2016

Arising Out of PS.Case No. -28 Year- 2014 Thana -MAHILA P.S BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Sindhwaj Miyan @ Sindhbaj Miyan son of Wakil Miyan resident of
village Piparadadhi, P.S. Bagaha, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 04-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 366A, 376 and 34 of the I.P.C

Allegedly, the petitioner and other co-accused
kidnapped Sindhu Kumari, aged 12 years, the daughter of the
informant and during investigation the victim girl was released
and her statement has been recorded under section 164 of the
Cr.P.C. wherein she had supported the allegation of kidnapping
and further that the petitioner committed rape with her.

Submission is of false implication and that the
medical report would show that there was no sign of sexual assault

and the victim has been married with another person and without any fault the petitioner is suffering in custody since 22.09.2015 and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that the victim in her statement recorded under section 164 of the Cr.P.C. has made allegation of kidnapping as well as of rape against the petitioner and as such I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bagaha Mahila P.S. Case No. 28 of 2014 pending in the court of A.C.J.M. Bagaha, West Champaran.

(Jitendra Mohan Sharma, J)

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