

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17396 of 2016

Arising Out of PS.Case No. -445 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

1. Dharmendra Kumar, S/o Vidya Nand Rai, R/o Village- Chahua, P.S. Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 366A, 420, 376, 363/34 of the Indian Penal Code.

Initially, the informant filed complaint case on 30.11.2015 for the occurrence of 19.06.2015 and the present case was lodged on the basis of aforesaid complaint case. The informant claimed that her daughter was kidnapped by petitioner and other accused and after that she was confined in a room and co-accused committed gang rape on her but after three months when she became pregnant, she was released by the petitioner and his associates.

Contention on behalf of the petitioner is that the victim was in love with one Sanjeev Kumar, who happens to be younger brother of the petitioner and as a matter of fact, victim eloped with aforesaid co-accused, Sanjeev Kumar and later on, they returned to their respective home after few months and when victim came in clutches of the informant, the informant lodged this case and got recorded the statement of victim under Section 164 of the Cr.P.C.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that allegation of rape is not against the petitioner, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Manish Pandey, Judicial Magistrate 1st Class, Muzaffarpur in connection with Kudhani P.S. Case No. 445 of 2015.

(Hemant Kumar Srivastava, J)

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