

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8096 of 2016

Arising Out of PS.Case No. -347 Year- 2015 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sk. Lukmaan, son of Late Rauwayet
 2. Sk. Raj Babbar, son of Sk. Lukmaan, both are resident of Village Shivrajpur, Police Station- Nautan, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Nautan P.S. Case No. 347/15 for offences alleged under Sections

376, 366(A) of the Indian Penal Code and under Section 6 of the

Prevention of Children from Sexual Offences Act.

Initially Complaint Case No. 02C/15 had been

lodged by the complainant, which was later on converted into

Nautan P.S. Case No. 347/15.

The prosecution case, as lodged by the informant,

is that on 18.07.2015 at 6.00 P.M. while she was returning to her

home after attending the call of nature, all of a sudden, her co-



villager, namely, Sk. Bhutan along with his associates came and forcibly took her to a house on the motorcycle and committed rape with her and thereafter he used to establish physical relationship with her regularly promising her to marry. After 1½ months Sk. Bhutan brought the informant to his house then the family members of the informant came to the house of Sk. Bhutan. Sk. Bhutan, his brother and father told that the informant is not there and also abused them. It is further alleged that on 21.09.2015 informant fled away and went to her house and narrated the entire occurrence to her family members.

It has been submitted by the learned counsel for the petitioners that they are innocent, have falsely been implicated in the aforesaid case and have no criminal antecedent, as is evident from paragraph 3 of this petition. Learned counsel further contends that petitioner no. 1 is father of Sk. Bhutan, whereas petitioner no. 2 is his full brother and the allegation, as alleged by the victim girl in her statement under Section 164 Cr.P.C., is only against Sk. Bhutan and there is only general and omnibus allegation against the petitioners. Learned counsel for the petitioners further submits that although the date of occurrence is 18.07.2015 but the complaint case has been lodged after inordinate delay i.e. 23.09.2015 and no missing report has been lodged by the

family members of the informant, rather, is a counter-blast of another case i.e. Nautan P.S. Case No. 317/15 lodged by the petitioners' side on 14.09.2015, in which case the said Sk. Bhutan has received grievous injury. It has also been submitted by the counsel for the petitioners that no case under Sections 376 or 366-A of the Indian Penal Code is made out against these petitioners.

Learned APP for the State, however, opposes the prayer for bail.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, West Champaran at Bettiah, in connection with Nautan P.S. Case No. 347/15, arising out of Complaint Case No. 02C/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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