

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57452 of 2015

Arising Out of PS.Case No. -58 Year- 2014 Thana -MAHILA P.S. District- BANKA

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Motilal Shah @ Motilal Sah Son of Magdoom Sah @ Magdoom Sah
resident of Village- Tinmunda, Police Station- Fulliduamr, District- Banka.
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 18-02-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is accused in connection with Banka
Mahila P.S. Case No. 58/2014 registered under Sections 366A,
376 of the Indian Penal Code.

The prosecution case is that the complainant-informant
was forcibly kidnapped by this petitioner and others. They took
her away on a motorcycle and kept in a house and committed rape
with her. Thereafter, she was taken to Calcutta where the
petitioner kept her in a house and also committed rape with her for
five days, but anyhow the complainant-informant managed to flee
away from there.

Learned counsel appearing on behalf of the petitioner
submits that in fact complainant-informant Puja Kumari is a

married lady whose marriage is performed with Prakash Rai, r/o Inawaran, P.S. Fullidumar, district-Banka. There was love affairs between the petitioner and the informant and the informant according to her sweet will stayed in the house of the petitioner. After knowing this fact, the villager asked to marry with each other and thereafter both moved from the village, but after returning the house, the informant has lodged this false case. Savitri Devi, mother of the informant-complainant has also supported the aforesaid fact in her statement recorded in para 11 of the case diary. Further submission is that the petitioner having no criminal antecedent is in custody since 28.08.2015.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka in connection with Banka Mahila P.S. Case No. 58/2014. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J.)

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