

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.241 of 2016

Arising Out of PS.Case No. -432 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Md. Gufaran @ Md. Gufran son of Md. Kashim, Resident of village-
Pirpanti Bajar, P.S.- Pirpanti Bajar, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha -Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 16-02-2016

Heard learned counsel for the petitioner as well as

learned APP for the State.

A minor was kidnapped and then raped wherein
petitioner is facing trial.

It has been submitted on behalf of petitioner that
whatever allegation has been attributed to him, happens to be false
because of the fact that the victim during her examination as PW-1
had shown some sort of intimacy with the petitioner and in the
aforesaid background, she on her own accompanied the petitioner
as well as remained in his company. That means to say, even
accepting that physical relationship amongst them was established,
that was out of her free will and for that, none of the Section
whereunder petitioner is being prosecuted is made out. So
submitted that petitioner, who is under custody since 14.09.2014,

be released on bail.

Learned APP opposed the prayer for bail.

Gone through the deposition, Annexure-3 whereunder the victim had stated that on her own, she had accompanied with the petitioner to Rajmahal. She had also accepted her stay along with petitioner but, she had alleged that during aforesaid intermediary period, she was raped. From her cross-examination, it is evident that no cross-examination has been made on behalf of petitioner to show that it was not a rape rather was a physical relationship for which there was consent at her end.

That being so, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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