

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32774 of 2016

Arising Out of PS.Case No. -25 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

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Sanjay Paswan S/o Rajendra Paswan Resident of Village- Raghunichak,
P.S.- Bibhutipur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 31-08-2016 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 363, 366(A)/34 of the Indian
Penal Code.

The statement of victim has been recorded under
Section 164 of the Cr.P.C. in which she stated that petitioner and
other accused forcibly kidnapped her and confined her in a room
at Bangalore. She further stated that petitioner committed rape on
her twice.

Submission on behalf of the petitioner is that the
victim herself left her home by her own sweet will and as a matter
of fact, she was recovered by the police from Sindhia Ghat on

16.02.2015 and after that her statement was recorded under Section 164 of the Cr.P.C. on 18.02.2015. It is further submitted that between 16.02.2015 to 18.02.2015 she was under custody of her guardians and she was tutored and that was the reason she made allegation against the petitioner. It is further submitted that later on, when informant and victim realized their fault, they entered into compromise.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 28.01.2016 and investigation against him has already been completed, 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 Additional Chief Judicial Magistrate, Rosera in connection with Bibhutipur P.S. Case No. 25 of 2015.

(Hemant Kumar Srivastava, J)

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