

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27622 of 2016

Arising Out of PS.Case No. -279 Year- 2011 Thana -GOPALGANJ CITY District- GOPALGANJ

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Deepak Kumar Son of Dinesh Prasad, Resident of Village- Masanthana,
Police Station- Yadopur, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 17-09-2016 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 366, 366(A), 120(B) of the
Indian Penal Code.

The statement of victim under Section 164 of the
Cr.P.C. was recorded on 20.10.2011 and in the said statement, she
specifically stated that she was taken away to Bangalore by co-
accused, Annu, Ravi, Nitish and other. She further stated that she
was made captive at the house of petitioner at Bangalore where
petitioner and others committed rape on her but anyhow, she gave
information to her mother through phone and after that one person
came to Bangalore and took her to her home and after that she

gave information to concerned police station. According to prosecution case itself, the victim was found missing on 04.09.2011 and a Sanha in this regard was given. Subsequently, the informant gave written report on 16.09.2011 making specific allegation of kidnapping against petitioner and other F.I.R. named accused persons.

Submission on behalf of the petitioner is that the victim was in love with co-accused, Annu and as a matter of fact, she eloped with aforesaid co-accused and when she returned to her home and came in clutches of her parents, she took U turn and implicated the petitioner in this false case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, taking note of this fact that according to statement of victim itself, petitioner had not taken active part in kidnapping of the victim, 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 Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 279 of 2011.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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