

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39949 of 2016**

Arising Out of PS.Case No. -57 Year- 2015 Thana -DIGHALBANK District- KISANGANJ

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Md. Aouyub @ Ayub @ Md. Aaiyub, S/o Late Paldu, Resident of Village -  
Tantangi, P.S. - Garbandanga, District - Kishanganj

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Diwakar Sinha, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      21-09-2016

Learned counsel for the petitioner is permitted to correct the year of criminal miscellaneous case as well as the year of the case number in the typed copy of the brief in course of the day.

Heard both sides.

The petitioner apprehends his arrest in Dighalbank P.S. Case No. 57/2015 registered under Sections 365, 366(A)/120 of the Indian Penal Code.

The informant named four persons in the FIR, namely, Md. Arshad @ Langda, Md. Nazrul Haque, Simam Akhtar and Md. Mahboob Alam and alleged that they all kidnapped his minor daughter while she had gone to attend the call of nature. It is submitted that the petitioner is not named in the FIR. The victim made her statement under Section 164 Cr.P.C.

wherein she disclosed that Arshad Alam, Pan Mahboob and Shakil kidnapped her on a motorcycle and Arshad committed rape on her. She further named the petitioner along with other and disclosed that they were also present at the place where she was kept confined by Arshad.

It appears that the victim did not make any sort of allegation against the petitioner. The victim was examined during the course of trial of Arshad Alam vide Sessions Trial No. 492/2015 but she resiled from her statement made under Section 164 Cr.P.C.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Dighalbank P.S. Case No. 57/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

Dilip/-

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