

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42730 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -MAHILA P.S. District- SITAMARHI

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1. Ajay Kumar Son of Rajdeo Rai Resident of Village - Lohasi, P.S. - Belsand, District - Sitamarhi.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh-5(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sitamarhi Mahila P.S.Case no. 43/2014 registered for offences punishable under Sections 366 (A), 368, 376, 120 (B) of I.P.C. and 66 (E) I. T. Act and 4 POCSO Act.

The prosecution case is that one Supriya Kumari had filed a complaint case vide Complaint Case No. 2093/2014 on 08.12.2014 in the Court of learned Chief Judicial Magistrate, Sitamarhi against all together seven persons including the petitioner alleging therein that, she was living in Sitamarhi in a rented house for the purpose of her study where one Vikash Kumar and his brother Abhisek Kumar were also living adjacent to the room of the informant and accused Vikash Kumar had



taken her seminaked photo in his mobile. The informant tried to throw the mobile but the other accused namely, Vikash Kumar snatched his mobile and said that he had taken various naked photo of the informant in his mobile. It has further been alleged that on 16.11.2013 at about 7.00 P.M. the accused Vikash Kumar called her near Ring Bandh, Surya Mandir on the pretext that he will destroy the naked photo of the informant but the accused persons kidnapped her from there and brought her to Haryana where accused Vikash Kumar committed rape with her on the point of churra and accused No. 7 (petitioner) took her naked photo and prepared video film of rape. The informant became pregnant and accused Vikash Kumar brought her to village- Bagraha, District- Sitamarhi where other accused persons forced her to marry with accused Vikash Kumar and accused persons brought her to Sitamarhi hospital for operation but when the doctor refused, the accused persons fled away from the hospital leaving informant in hospital where she had given a birth of a male child in presence of her parents.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, has no criminal antecedent and has been falsely implicated in the aforesaid case.

It has further been submitted by him that the Complaint case has been lodged after delay of one year and one month from the date of occurrence, which is stated to be

16.11.2013 where as the Complaint case has been lodged on 08.12.2014.

From the perusal of the F.I.R. and also pointed out by the learned A.P.P. in several paragraphs, specially para-34 that after child was born and discharged from the hospital, there appears to be some dispute between the accused Vikash Kumar and the victims' family members regarding the fees to be paid to the doctor, hence, the petitioner has been falsely implicated in the aforesaid case.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi Mahila P.S. Case No. 43 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P. C

(Nilu Agrawal, J)

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