

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46502 of 2016

Arising Out of PS.Case No. -312 Year- 2015 Thana -BARHARIA District- SIWAN

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Ganesh Prasad Son of Sheo Shanker Prasad Resident of Village-Tinbhedia,
Police Station-Barharia, Distt. Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 09-12-2016 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 363A, 364, 120B of the Indian
Penal Code.

Petitioner is not named in the first information report
but in course of investigation, the victim along with F.I.R. named
accused, Dharmendra Prasad was caught by the public at Siwan
Railway Station. After that the investigating officer went there and
took the victim as well as F.I.R. named accused, Dharmendra
Prasad in his custody. Subsequently, the statement of victim was
recorded under Section 164 of the Cr.P.C. on 03.10.2015 and in
the aforesaid statement, victim disclosed that Dharmendra and
Ganesh kidnapped her and raped her in a running train. After



disclosure of the victim, the investigating officer went to the village of petitioner and arrested him which is evident from perusal of Para-58 of the case diary and after that some witnesses claimed to have seen the petitioner and Dharmendra committing the alleged crime.

Submission on behalf of the petitioner is that the victim did not disclose the parentage of Ganesh and the concerned investigating officer without ascertaining the role of the petitioner arrested him and implicated in the present crime. It is further submitted that moreover, the victim is said to have been caught with co-accused, Dharmendra Prasad and, therefore, the aforesaid fact goes to show that victim was in love with Dharmendra Prasad and she herself eloped with him.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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-VI, Siwan in connection with Barharia P.S. Case No. 312 of 2015.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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