

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8880 of 2016

Arising Out of PS.Case No. -134 Year- 2015 Thana -KUMARGHAND District- MADHEPURA

1. Md. Babul @ Babloo @ Abbdul Rahman @ Abdul Rahman S/o Md. Idris R/o village - Yaduapatti, P.S. Kumarkhand, District - Madhepura
.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Gopesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Kumarkhand P.S. Case No. 134 of 2015 registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code.

Allegedly, the petitioner and other two co-accused kidnapped Kiran Devi, the wife of the informant, along with her two sons. During investigation Kiran Devi was recovered and she in her statement recorded under Section 164 Cr.P.C. has stated that the petitioner and co-accused Chandan Kumar Sah both committed rape with her and she was kept confined for one month.

Submission is of false implication and that the victim girl is major one, the victim has performed marriage with the petitioner voluntarily and sworn an affidavit on 09.10.2015, no

offence as alleged is made out and as such the petitioner who is suffering in custody since 22.11.2015 deserves sympathetic consideration to which learned APP seriously opposes by pointing out the statement of the victim recorded under Section 164 Cr.P.C.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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