

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18661 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Sajeed Mian @ Md. Sajid Son of Mustkim Mian, resident of Tola,
Kandhwaliya, P.S.- Lauriya, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Ashok Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 15-07-2016

Heard both sides.

The petitioner apprehends his arrest in Lauria P.S.
case No. 81/2015 under Sections 341, 376, 506 of the Indian Penal
Code and under section 4 of POCSO Act.

The prosecutrix alleged in her statement that on
08.04.2015 while she was coming to her house after watching a
marriage the petitioner caught her and took her in a mango orchard
and after putting her down committed rape with her.

It is submitted that the occurrence took place in the
night of 08.04.2015 but the FIR was lodged on 12.04.2015. The
victim herself made a different story in her statement under
section 164 of the Cr. P. C. and she disclosed that she could not

know whether rape was committed with her or not as she became senseless. It is further submitted that the police after investigation submitted final form finding the accusation false against the petitioner and the doctor also did not find any sign of rape.

Considering the statement of victim under section 164 of the Cr. P. C in which she narrated a different story, the case was lodged after four days of the occurrence and the fact that police after investigation submitted final form finding the accusation false against the petitioner, 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 Additional Sessions Judge-I , Bettiah, West Champaran in Lauria P.S. Case No. 81 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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