

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46182 of 2016

Arising Out of PS.Case No. -93 Year- 2013 Thana -HULASGANJ District- JEHANABAD

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Mantu Paswan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 02-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

In course of investigation, the victim appeared before the police and stated that she was never kidnapped by any person. The aforesaid statement of the victim was incorporated by the I.O in Para-25 of the case diary. However, Para-27 of the case diary goes to show that the investigating officer took the victim to the court of Chief Judicial Magistrate, Jehanabad, but the statement of victim could not be recorded under section 164 of the Cr.P.C as due to holiday, the court was closed. However, the investigating officer talked with Judicial Magistrate, Jehanabad and, thereafter, he talked to District Magistrate, Jehanabad and, thereafter, the statement of victim was again recorded by an Executive Magistrate at the direction of District Magistrate, Jehanabad. The



victim again stated that she was not kidnapped rather she went with the petitioner by her own sweet will. The first statement of the victim was recorded on 12.10.2013 and the second statement of victim was recorded on the same day, i.e. 12.10.2013, and, thereafter, again the statement of victim was recorded by Judicial Magistrate on 17.10.2013, i.e., after five days of recording her first statement. In the 3rd statement, the victim levelled allegation of kidnapping and committing rape against the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Hulasganj P.S.Case No. 93 of 2013.

(Hemant Kumar Srivastava, J)

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