

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1743 of 2016

Arising Out of PS.Case No. -10 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Md. Nawab Son of Md. Ayub Resident of Village- Hakpara Ward No. 14
P.S. Saharsa, Dist- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 376, 323, 471, 504, 506/34 of the Indian Penal Code.

The prosecution case is that the petitioner being neighbour of the informant allured her and provide one Chocolate which she eaten and became unconscious, thereafter she found herself at Delhi in a room of sister of accused where the petitioner established physical relationship with her.

It is submitted by the learned counsel for the petitioner that the petitioner and informant both are married persons and in the last portion of 164 Cr.P.C. statement the informant has stated that she herself wanted to stay with the

petitioner. Moreover, the victim claims to be 21 years of age.

Inconsistency in 164 Cr.P.C. statement of the victim may constitute ground for consideration of prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Saharsa Mahila P.S. Case No. 10 of 2015, pending in the court of learned Chief Judicial Magistrate, Saharsa.

With this observation this application is disposed of.

(Dinesh Kumar Singh, J)

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