

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33468 of 2016**

Arising Out of PS.Case No. -270 Year- 2015 Thana -SASARAM NAGAR District- SASARAM  
(ROHTAS)

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1. Arjun Paswan @ Arjun Kumar son of Uma Shankar Paswan resident of  
Mohalla-Supullahganj, P.S.- Sasaram Town, Distt- Rohtas (Bihar)

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rama Kant Singh-Advocate

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur-A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

03 22-08-2016

Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor.

Victim after having narrow escape after two days of  
wrongful confinement on account of having been kidnapped at the  
end of petitioner along with others was raped.

It has been submitted on behalf of petitioner that  
there happens to be love affair in between petitioner as well as  
victim and so, the family members of victim had not taken any  
step for institution of case in spite of absence of victim for two  
consecutive days. It has also been submitted that statement under  
Section 164 Cr.P.C., Annexure-2, probablises the same in the  
background of the fact that earlier presence of brother of petitioner  
was not at all while during course of statement under Section 164

Cr.P.C. he has been shown to be the other culprits, who apart from petitioner had also indulged in commission of rape. That being so, it is a fit for grant of bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

Victim, a minor is consistent so far petitioner is concerned, whereupon prayer for bail is rejected.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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