

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17360 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

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1. Aslam Mian Son of Srajlul Mian, R/o- Bahuarawa, P.S.- Sahodara,
District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 28.04.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections
366A, 376, 120B and 109 of the Indian Penal Code.

The present case was registered on the basis of complaint
petition which was filed by the informant on 26.6.2015 in respect of
an occurrence which is said to have taken place from 26.5.2015 to
17.6.2015.

The accusation against the petitioner is that he along with
one other accused took the informant's daughter and confined her in
his room and also forced her for marriage and committed rape on her
but it is obvious from perusal of the complaint petition itself that the
victim was released by the petitioner and others when the informant
came at the house of the petitioner to take the victim back.

Statement of victim has been recorded under section 164 of

the Cr.P.C and from perusal of the impugned order, it would appear that she supported the story of kidnapping and rape but submission on behalf of the petitioner is that, as a matter of fact, the petitioner and the victim were in love and they had solemnized their marriage against the will of the informant and that was the reason, informant lodged this case against the petitioner. It is further pointed out by him that moreover, victim was aged about between 17 to 19 years.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Kumar Sudhansu, Judicial Magistrate, Ist Class, Bettiah, West Champaran in Sahodra P.S. Case no. 57/2015.

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(Hemant Kumar Srivastava,J)

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