

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12381 of 2017

Arising Out of PS.Case No. -29 Year- 2016 Thana -ANGADH District- PURNIA

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Md. Mehraj @ Mehraj Son of Mohiuddin, Resident of Village- Daspatar,
P.S.- Dagarua, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Ms. Kumari Ritambhara, Advocate.

For the Opposite Party : Mr. Ramesh Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-04-2017 Heard both sides.

The petitioner seeks bail in Angarh P.S. Case No. 29 of 2016, corresponding to Sessions Trial No. 426 of 2016, registered for the offences punishable under Sections 366A, 366 and other Sections of the Indian Penal Code.

The victim alleged that on 28.05.2016 the petitioner enticed her on the pretext of marriage and kept her in a lonely place and she further alleged that the petitioner established physical relationship with her. On the next day the petitioner fled away from there and the victim returned to her house. She further alleged that again the petitioner rang on the mobile of her father, but he was apprehended on 10.08.2016 and handed over to the police.

Learned counsel for the petitioner submits that the occurrence took place on 28.05.2016 and on the next day the victim



returned to her house but the victim did not lodge the case. On 10.08.2016 when the petitioner went near the house of the informant he was apprehended without any fault and he was handed over to the police. The doctor examined the victim and did not find any sign of rape.

On the other hand Shri Ramesh Chandra, learned APP for the State vehemently opposed the prayer for bail and submits that the petitioner has committed rape with her, but it appears that the victim, herself, disclosed that the petitioner enticed her away on 28.05.2016 and on the next day she returned to her house but she did not lodge any case. Post incident behaviour of the victim showed the willingness and consent of the victim.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner above named 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 1st Additional Sessions Judge, Purnea in Angarh P.S. Case No. 29 of 2016, corresponding to Sessions Trial No. 426 of 2016.

(Prabhat Kumar Jha, J.)

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