

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5643 of 2017

Arising Out of PS.Case No. -99 Year- 2016 Thana -BANKA District- BANKA

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Md. Chhotu @ Md. Islam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Banka (Barahat)P.S. Case
No. 99 of 2016 instituted for the offence under Section 363 and
364 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
he is not named in the written report.

The victim girl in her statement recorded under
section 164 Cr.P. has not levelled any specific allegation of overt
act against him, although, she claimed to identify him as sitting on
his car.

Counsel for the petitioner has further submitted that
case of this petitioner is on different footing to that of co-accused
whose prayer for bail has been rejected by a coordinate Bench of
this court vide order dt. 27.02.2017 passed in Cr. Misc. No. 8056



of 2017.

Case diary has been received wherein in para 27 of the Case diary, the statement of the victim girl has been recorded under section 164 Cr.P.C., in which, she has stated that five accused persons namely, Faizlu, Sajid, Murtaza, Mazhar and Rahul were found sitting in the Maruti Car from before in which, she was forcibly forced to sit and thereafter, the accused persons gave her intoxicant and also assaulted and abused her. She claims to have identified the said five persons. Thereafter, she was taken to coal depot in a Bolero in which the petitioner along with 7-8 persons were also found sitting. She identified the petitioner but did not identify other persons.

In this manner from the statement of the victim girl recorded under section 164 Cr.P.C. it is apparent that no allegation of any specific overt act has been levelled against this petitioner.

The petitioner is said to be in custody since 17.11.2016.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.IV, Banka, in connection with



Sessions Trial No. 17 of 2017, arising out of Banka (Barahat) P.S.
Case No. 99 of 2016, subject to the condition that both the bailors
will be the close relatives of the petitioner.

(Sanjay Priya, J)

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