

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22776 of 2017

Arising Out of PS.Case No. -13 Year- 2012 Thana -MAJORGANJ District- SITAMARHI

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Markandai @ Markandey Son of late Ram Prit Resident of Village-
Sijua(Jungel Bambirpur), Rath Kuiyan, P.S. Parauna, District Khushinagar
(U.P.). Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 21-06-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Majorgunj P.S. Case No. 13 of 2012 registered for offences under
sections 366(A), 386, 372, 376, 120 (B) I.P.C. and sections 23, 25
and 26 of the J.J. Act.

The petitioner along with other accused persons, is said
to have kidnapped the informant and the co-accused Amlesh Mistri
committed rape on her.

It is submitted by the learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence and
has falsely been implicated in the present case. The petitioner
happens to be maternal uncle of the informant. The informant in her
statement recorded before the Court below, has admitted that she



used to live in the house of the petitioner and brought her to the house of Amlesh Mistri. She married with Amlesh Mistri and was blessed with a child with the aforesaid wedlock. She was never kidnapped by anyone. On the basis of the statement, the learned court of Adhoc Additional Sessions Judge-VI, Sitamarhi acquitted the accused Durga Devi, who happens to be the mother of Amlesh Mistri. The learned Court below also assessed the age of the informant as 21 years, that is major.

The petitioner has filed certified copy of the judgment passed in Sessions Trial No. 243 of 2012/26 of 2012 (State [through Mamta Kumari] vs. Durga Devi).

Considering the facts aforesaid, the above named, petitioner, in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in connection with Majorgunj P.S. Case No. 13 of 2012, subject to the condition as laid down under Section 438 (2) Cr. P.C.

(Prakash Chandra Jaiswal, J)

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