

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24442 of 2017

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

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Sah Alam @ Bablu Son of Fazal Mahmood, Resident of Village-
Singarpur, P.S.- Dhoraiya, District- Banka (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri, Adv.
For the Informant : Mr. Jagdish Prasad, Adv.
For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 26-07-2017 Heard both sides.

The petitioner seeks bail in Banka (Barahat) P.S. Case
No. 99/2016, registered for the offences punishable under Sections
363, 364 of the Indian Penal Code.

Prayer for bail of the petitioner was earlier rejected vide
order dated 05.12.2016 passed in Cr. Misc. 39826/2016 with
observation that the petitioner may renew his prayer for bail after
remaining nine months in custody. The petitioner is in jail since
04.08.2016. The petitioner has already remained in jail for about
one year.

On the other hand, Mr. Jagdish Prasad learned counsel
for the informant as well as the learned A.P.P. vehemently



opposed the prayer for bail and submitted that victim made her further statement and disclosed that petitioner and others committed rape with her.

From the facts itself, it appears that father of the victim lodged the case against unknown for kidnapping of his daughter. The victim returned to her house on 13.02.2016 from 'Anathalaya', but neither the victim nor the father of the victim lodged the case. The case was lodged only on 20.02.2016, thereafter the victim made her statement under Section 164 Cr.P.C on 24.02.2016, but the victim did not whisper any single word in her statement against the petitioner about rape or any ill-treatment. In further investigation, the victim is said to have disclosed that she was gang-raped. The only allegation made against the petitioner is that the petitioner assaulted her and got her seated in Maruti Car. The victim did not allege that the petitioner also committed rape with her. The petitioner has already remained in jail for about a year.

Considering the facts aforesaid, 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 Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 99/2016,



subject to the condition that the petitioner shall appear on each and every date during the course of trial. If the petitioner fails to appear in the court on two consecutive dates, learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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