

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28751 of 2017

Arising Out of PS.Case No. -90 Year- 2016 Thana -MUZAFFARPUR RAIL P.S. District- SARAN

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1. NURI DEVI wife of Javed Khaliffa R/o Village - Nadail Ghat, P.S. Bakhari, District Begusarai. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 22-08-2017

Heard both sides.

The petitioner apprehends her arrest in Muzaffarpur Rail P.S. case No. 90 of 2016 for the offences punishable under Section 366, 376, 307/34 of the Indian Penal Code.

The informant/victim alleged that while she was waiting for a train at Muzaffarpur railway platform a lady came and took her outside the platform. Two persons also accompanied her. Thereafter, the victim was taken to different places and she was confined and raped. The victim further alleged that she was brought to platform by two persons who assaulted her also and when the victim became unconscious both the persons fled away.

The learned counsel for the petitioner submits that one Abbas Khaliffa is said to have confessed his guilt his confessional statement is not incorporated in the case diary. The name of petitioner figured in paragraph 52 of the case diary. It appears from perusal of the case diary that victim in her



subsequent statement disclosed that two persons brought her to railway platform and assaulted her. One of them was called Bholu and thereafter Bholu Khaliffa was arrested and victim identified him. Abbas Khalifa was also apprehended and he is said to have confessed his guilt but from perusal of the case diary it transpired that confessional statement of Abbas Khaliffa has not been incorporated in the case diary. The petitioner appears to be daughter of Abbas Khaliffa but no allegation is made against the petitioner.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that petitioner is a lady, the petitioner above named in the event of her 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur, Saran in connection with Muzaffarpur Rail P.S. case No. 90 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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