

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49068 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Kishan Raut Son of Vinod Raut, Resident of Mohalla- Lohapatti, Ward
No.- 16, P.S.- Madhubani, Dist.- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 22.02.2017 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Trial court has reported that the matter is pending for
framing of the charge. Petitioner is in jail custody since 17.7.2015 and
earlier his prayer for bail was rejected by this court at infancy stage of
the case.

Victim claimed that she was kidnapped and raped by the
petitioner and his associate but submission on behalf of the petitioner
is that the petitioner was a teen aged boy at the time of alleged
occurrence and, as a matter of fact, petitioner and the victim fell in
love and both eloped from their respective homes. To fortify the above
stated contention, learned counsel for the petitioner drew my attention
towards annexure 2 series, joint photograph of the petitioner as well as
victim girl.

No doubt, victim was minor at the time of alleged



occurrence and in her statement, she stated that she was kidnapped and raped by the petitioner but joint photograph of the victim and the petitioner tells a different story. Moreover, petitioner is in jail custody for a considerable period and up till now, his trial has not commenced.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Madhubani in Madhubani P.S. Case no. 279/2015.

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(Hemant Kumar Srivastava,J)

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