

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53847 of 2017

Arising Out of PS.Case No. -137 Year- 2015 Thana -CHHATAPUR District- SUPAUL

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Md. Chano @ Md. Chand @ Md. Chand Chan, son of Mohammad Roji,
Resident of Village – Bairiya Kamal, P.S.-Birpur, District-Supaul.

.... Petitioner/s

Versus

1. State of Bihar
2. Massina Khatoon, Wife of Md. Khurshid, resident of village – Indrapur,
P.S.-Chhatapur, District-Supaul.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Aaruni Singh, Advocate.

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 10-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in Chhatapur P.S. Case No.
173 of 2015 registered under Sections 366A and 379/34 of the
Indian Penal Code.

The petitioner is said to have committed theft of Rs.
50,000/- and silver ornaments weighing 2 Kg from the house of
the informant in her absence and kidnapped her minor daughter
aged about 12 years along with other accused persons.

It is submitted by learned counsel for the petitioner
that the victim was aged about 18-19 years at the time of
occurrence as assessed by the doctor. She has performed marriage
with him and the doctor has also not found any sign of rape



against her. The petitioner has been languishing in custody since 25.02.2017.

On the other hand, learned counsel for the informant submitted that the victim in her statement recorded under Section 164 of the Code of Criminal Procedure has eloquently stated that she was kidnapped by the petitioner along with other accused persons on motorcycle and taken to Nepal from where she was taken by the petitioner to his house and was raped by him. It is further submitted that the petitioner again kidnapped the victim along with other accused persons on 15.08.2015 and as the victim was medically examined after few days of the occurrence of rape against her, sign of rape such as presence of spermatozoa in her vaginal swab is not expected.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

(Prakash Chandra Jaiswal, J)

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