

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60600 of 2017

Arising Out of PS.Case No. -566 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Suraj Kumar Singh, S/o Dewan Singh @ Devnandan Singh, R/o Village-Jogia, P.S.- Mohanpur and District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2-Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 18-01-2018

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Father of the victim namely Kedar Mistri filed written report disclosing therein that on 11.09.2017, his daughter, victim disappeared. He made hectic search, but in vein on 12.09.2017, his son talked with his co-villager Suraj Kumar Singh (petitioner) and inquired about the victim, who disclosed that he is not known about her. Soon thereafter, he informed that they are at his Mausi's place at village-Rajauli. Thereafter, his sister-in-law (Sali) informed that Suraj along with victim is at her place, whereupon he along with father of Suraj had gone to the place of his Sali, where seeing his father, Suraj ran away. He brought his daughter, then Panchayati was convened wherein Suraj failed to



appear whereupon instant case has been registered.

Though chargesheet has already been submitted against the petitioner and during course of her statement under Section 164 of the Cr.P.C. victim had stated that as she was confined and kept by Suraj at unknown place where rape was committed, but the aforesaid statement happens to be on 15th and during midst thereof, there happens to be no disclosure at the end of the prosecution at least informant or his family members that they have made query from his Sali to know on which date, victim and Suraj came to her place. The aforesaid deficiency coupled with the fact that F.I.R. has been registered in presence of the victim wherein there happens to be complete absence of commission of rape.

That being so, petitioner, **Suraj Kumar Singh** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti (Mohanpur) P. S. Case No.566 of 2017.

(Aditya Kumar Trivedi, J)

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