

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24032 of 2018

Arising out of PS.Case No. -12 Year- 2018 Thana -BUDDHACOLONY District- PATNA

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Md. Samsad @ Md. Shamshad, Son of Late Md. Yamin, Resident of
Mohalla- Misska Toli Kathak Tal, Police Station- Alamganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-07-2018 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Budha Colony
P.S. Case No. 12 of 2018 for the offences punishable under
Section 364(A) of the Indian Penal Code.

The allegation against the petitioner is abducting the victim
girl and committing rape upon her after taking her to a hotel.

The learned counsel for the petitioner submits that a bare
perusal of the statement of the victim recorded by the Police under
Section 161 Cr.P.C. and that recorded by the learned Magistrate
under Section 164 Cr.P.C. would show that the same are contradictory
to each other, hence the assumption would be that the victim girl is not
speaking the truth. In any view of the matter, it is submitted



that the victim had ample time to raise alarm in case she was forcefully taken by the petitioner but she appears to be a consenting party. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 07.01.2018.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-XVI cum A.C.J.M., Patna in connection with Budha Colony P.S. Case No. 12 of 2018.

It is directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10 A.M. on each and every Monday of the month and in the event of his failure on three consecutive occasions to mark his attendance, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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