

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6035 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- CHANPATIA District- West Champaran

Purushotam Dubey @ Jaswant, S/o Kamdeo Dubey, Resident of Village-
Khairatiya, PS- Manuapul, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Adya Singh

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
07.07.2018 in connection with Chanpatia P.S. Case No. 68 of
2018 registered for the offences punishable under Sections 363,
366, 498(A), 323, 328, 376 and 34 of the Indian Penal Code.

Prosecution case as per the written report of Md.
Imam submitted to S.H.O., West Champaran is to the effect that
the marriage of the younger sister of the informant was
performed with one Md. Parwez@ Munna, but subsequently,
she was being tortured. On 20.01.2018, an attempt was made
on the life of the sister of the informant, then the informant's
sister came to her back to her parents' house with her two
children. It is further alleged that on 16.02.2018, the husband of



the victim sent his maternal brother, namely, Asraf Jamal @ Nanki for taking the sister of the informant, thereafter, the sister of the informant along with her two children went in the company of co-accused, Asraf Jamal, but thereafter, she did not return. Though the petitioner is not named in the FIR, but in statement recorded under Section 164 of the Cr.P.C., the victim has stated that she was being kidnapped by co-accused Ayub Gaddi and thereafter three other accused persons, including the petitioner, ravished her.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR, but in the statement recorded under Section 164 Cr.P.C., though the victim has named the petitioner, but she has neither alleged the date of kidnapping nor the place where she was being allegedly ravished. It is further submitted that the medical opinion does not suggest the accusation of rape and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petitioner is accused in three cases but he is on bail of all those cases.

Learned A.P.P. for the State after going through the case diary submits that the victim has named the petitioner in her statement recorded under Section 164 of the Cr.P.C. as one



of the persons who ravished her.

Considering the accusation not being corroborated by the medical opinion and the victim has not mentioned the place of commission of the crime or the date of commission of alleged occurrence in her statement recorded under Section 164 of the Cr.P.C. and the investigation has already been concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah (West Champaran) in connection with Chanpatia P.S. Case No. 68 of 2018.

(Dinesh Kumar Singh, J)

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