

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76191 of 2018

Arising Out of PS. Case No.-79 Year-2013 Thana- KESARIA District- East Champaran

Raju Bhagat son of Bhagwat Bhagat, resident of Village- Kakshani Hussaini,
P.S.- Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Sri Arun Kumar Singh -5

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 01-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kesariya P.S. Case no. 79 of 2013, registered under
Section 366(a) and 376/120 (B) of the Indian Penal Code.

The accusation is that on 30.04.2013 at about 9.00
P.M., the daughter of the informant moved for call of nature,
but she did not return. Thereafter, informant searched his
daughter, but no trace was found. The informant claimed that
his daughter has been kidnapped by unknown person for the
purpose of marriage.

Learned counsel for the petitioner submits that
after institution of the case, the daughter of the informant came
to her house. The statement of victim, daughter of the
informant, was recorded under Section 164 of the Cr.P.C. in



which she has stated that Raju has illicit relation with her maternal aunt and Raju accompanied her in connivance with her maternal aunt. Later on, Raju committed rape upon the daughter of the informant. Thereafter, it was detected that Raju Bhagat (petitioner), son of Bhagwat Bhagat, resident of village Kakshani Hussaini had not kidnapped the daughter of the informant, rather, one Raju Mahto, son of Rambarai Mahto had kidnapped his daughter, which would appear from the letter of informant addressed to the SSP, Motihari, East Champaran (Annexure-3).

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari in connection with Kesariya P.S. Case No. 79 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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