

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24979 of 2019

Arising Out of PS. Case No.-243 Year-2017 Thana- GARKHA District- Saran

MITHUN KUMAR RAI, Son of Budhan Rai, Resident of Village- Chainpur
Paharpur, P.S.- Garkha, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 09-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Garkha P.S. Case No.243 of 2017** instituted for the offence under Section(s) 363, 365 Indian Penal Code.

Counsel for the petitioner submits that petitioner has voluntarily surrendered on 28.01.2019 and is in custody since then. Compromise has taken place between the parties, which has been annexed as Annexure-3. Counsel for the petitioner further submits that from the statement recorded under Section 164 Cr.P.C., it will appear that it is a tutored statement.

In the written report, it is alleged that this petitioner along with other kidnapped minor daughter of the informant.

Victim girl has been recovered and she has given



statement under Section 164 Cr.P.C., wherein, she has stated that three persons forcibly got the victim and Mithun seated in the train. They reached Delhi and stayed in the house of someone where he committed illegal act with her for 2-3 days. Mithun wanted to marry with her.

From the statement recorded under Section 164 Cr.P.C., it appears that victim has stayed with the petitioner in Delhi for 2-3 days. She also travelled with him in train.

It is mentioned in para 14 that in the supervision it has come that doctor has not found any sign of rape upon the victim. Her age is assessed as 16-17 years.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 **Additional Chief Judicial Magistrate, XIV, Saran at Chapra**, in connection with **Garkha P.S. Case No.243 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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