

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33155 of 2019

Arising Out of PS. Case No.-223 Year-2018 Thana- KADWA District- Katihar

MD. SABAR @ SABAR Son of Jhubba @ Taimur Husen Resident of
Village-Sistola (Dhobigatta), Police Station-Kadwa (Balua Belone, O.P),
District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Kadwa (Balua Belone
O.P.) P. S. Case No. 223 of 2018 instituted for the offence
under Section(s) 363, 365/120B of the Indian Penal Code.

Learned counsel for petitioner submits that victim
has stated in her statement recorded U/s 164 Cr.P.C. that she
lived with this petitioner for 16 days and petitioner committed
illegal act with her. The doctor has found no injury on her
body and private part. The doctor has also not found any
spermatozoa on her private part.



Learned counsel for petitioner submits that occurrence is said to have taken place on 25.6.2018 whereas the FIR has been lodged on 1.7.2018. The doctor has assessed her age between 15 to 17 years. The statement of victim recorded u/s 164 Cr.P.C. has been annexed as Annexure -3, wherein, she has stated that she had gone to attend the call of nature when petitioner and three accused persons caught hold her and brought her to Railway station by Tempo and thereafter took her to Delhi by train. The petitioner kept her in room for 16 days and forcibly established physical relationship with her.

In this manner, from the statement recorded U/s 164 Cr. P.C., it appears that she stayed with this petitioner for 16 days in Delhi.

Petitioner is in custody since 18.1.2019 having no criminal antecedent.

Considering the aforesaid, 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 ACJM IV, Katihar in connection with Kadwa (Balua Belone O.P.) P. S. Case No. 223 of 2018 subject to the condition that both the bailors shall



be the close relative of the petitioner.

(Sanjay Priya, J)

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