

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70896 of 2018

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

Tabrej Alam, Son of Sabir Alam, Resident of Singhachhapar, P.S.- Bettiah
Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.03.2018 in a case registered for the offence punishable under Sections 363, 366,498A, 323, 328/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Md. Imam submitted to the Station House Officer, Chanpatia Police Station 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 in-laws 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 petition that the petitioner is not having any criminal antecedent.

Learned APP 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 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 learned CJM, West Champaran, in connection with Chanpatia P.S. Case No.68 of 2018.

(Dinesh Kumar Singh, J)

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