

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1149 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- TURKAULIYA District- East
Champaran

=====

BHOLA @ RASHID Son of Late Mazrul Haque Resident of Village-
Kusmahawa, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Bijendra Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 365 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.09.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that her sister-in-law was
staying with her and studying in Dr. S.P. Singh College, further
on 16.03.2021, she had gone to the college and when the
informant tried to contact her at 2:00 pm and 4:00 pm, he was
unable to contact her, thereafter asked his mother-in-law to



contact the victim, on which the mother-in-law of the informant contacted her and informed the informant that the victim disclosed that after college she took an auto for coming to the informant's house but does not know where she is confined.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she sat in the auto in which Ragib and Bhola (petitioner) were sitting from before and they made her unconscious by putting handkerchief on her nose, thereafter she was confined in a room where Ragib established sexual relation with her and also took her picture. Learned counsel further submits that the falsity of the allegation manifests from the fact that in the F.I.R. it is alleged that the mother of the victim talked to her when the victim disclosed that she is confined in a room but did not disclose that Ragib and this petitioner made her unconscious in an auto and thereafter brought her and confined her in a room. Learned counsel submits that had the petitioner and Ragib participated in the occurrence then the victim definitely would have disclosed the said fact to her mother because from perusal of the allegation as alleged in the F.I.R. it manifests that the informant has alleged



that her mother-in-law disclosed that the victim after talking to her said that she does not know where she is confined. Learned counsel further submits that petitioner is the elder brother of Ragib but is not alleged to have established any sexual relation with the victim though it is alleged that he participated in the occurrence with Ragib to abduct the victim by making her unconscious. It is further submitted that if the petitioner would have kidnapped the victim then she would have disclosed the said fact to her mother and also the petitioner would not have allowed the victim to use her phone fearing that she could contact her mother and relatives.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the mother of the victim disclosed to the informant that the victim has disclosed that she is confined in a room and did not even named the petitioner and Ragib when her mother talked to her.

Considering the fact that the petitioner is in custody since 24.09.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for



the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tukauliya P.S. Case No. 227 of 2021.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

