

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23442 of 2015

Arising out of PS.Case No. -186 Year- 2013 Thana -BIHRA District- SAHARSA

Sakan Yadav, Son of Late Ramji Yadav, resident of village - Bishanpur, P.S. Bihara, District - Saharsa, Bihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Gurki Devi, Wife of Lalo Yadav, resident of village - Bishanpur, P.S. Bihara, District - Saharsa, Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manas Prakash, Advocate.
For the Opposite Party : Mr. Aslam Ansari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-08-2015 The petitioner is languishing in custody since 04.12.2014 in connection with Bihara P.S. Case No. 186 of 2013 for the offences instituted under Sections 452 and 376 of the I.P.C.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that on 05.08.2013 after taking dinner the informant slept on cot placed in her house and her husband slept near the door. She has further alleged that at about 11.00 P.M. she felt some weight on her body as such she woke up and found that Sakan Yadav was committing rape on her and thereafter she made hue and cry and her husband came and saw that Sakan Yadav was fleeing away from the Aagan of the

house. She has further alleged that her husband tried a lot to catch him but he fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.12.2014 and the charge sheet has been submitted in the present case. It is further submitted that the petitioner has falsely been implicated in the present case and the said fact is evident from annexure-2 which is the petition filed by the informant stating that due to mistake of fact the petitioner has been made accused in the present case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 learned C.J.M., Saharsa, in connection with Bihara P.S. Case No. 186 of 2013.

U.K./-

(Sudhir Singh, J)

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