

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23969 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -JHAJHA District- JAMUI

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1. Md. Sairaj @ Seraj Mian S/o Md. Islam @ Islam M ian Resident of Narganjo, P.S. Jhajha, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in a case registered under Sections 376, 201, 448, 323/34 of the Indian Penal Code and Section 3(i)(xi)(xii) of SC/ST (POA)Act.

The prosecution case in, brief, is that the informant Moti Devi has alleged on 9.4.2014 in the morning at about 7 o' clock went to work in the brick kiln of Md. Islam Mukht Karim and after getting over of work in the evening when she demanded of her wages against which they said that the wages shall be paid later on. Thereafter she returned to her house and was cooking her meal in the meantime Md. Islam Mukht Karim arrived at her house and after catching hold of her hand and bring her in the room and closed the door from the inside and forcibly

committed rape and upon cry he closed her mouth and also slapped of her face but she keep on crying and on hearing of hulla other villagers arrived and caught Md. Islam and tied him but after sometime from the side of Id. Islam all FIR named accused persons have come and set him free.

It has been submitted on behalf of the petitioner that the specific allegation is against Md. Islam Mukht Karim. There is no direct allegation against the petitioner. It is further submitted that no overt act has been alleged against the petitioner. There is general and omnibus allegation. The petitioner is in custody since 16.04.2015. it is also submitted that other co accused has been granted bail by this Court vide Cr. Misc.No.24483/ 2015.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the facts aforesaid, let 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 Sub-divisional Judicial Magistrate, Jamui, in Jhajha P.S.Case No. 57 of 2015.

(Sudhir Singh, J)

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