

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25288 of 2014

Arising Out of PS.Case No. -45 Year- 2014 Thana -SHERGHATI District- GAYA

Bhola Choudhary

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner : Mr. Rashid Izhar, Advocate.

For the Opposite Party : Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 23-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 20.02.2014 in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

It is alleged that deaf and dumb daughter of the informant was raped by this petitioner.

It is submitted by learned counsel for the petitioner that occurrence is of 11.02.2014 when the victim has been medically examined by the Medical Board on 12.02.2014 where neither any sign of rape nor any resistance injury were found.

It is submitted by learned counsel for the State that cousin of the victim is an eye witness to the occurrence and the victim in 164 Cr. P.C.

statement has supported the accusation.

It is submitted by learned counsel for the petitioner that the informant and her daughter i.e., the victim have retracted from the initial version and filed a petition to that effect before the learned court below.

Considering the fact that the accusation is not being corroborated by the medical opinion, inconsistent stand of the informant and statement made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent, 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 S.D.J.M., Sherghati, Gaya, in connection with Sherghati P.S. Case No. 45 of 2014.

U.K./-

(Dinesh Kumar Singh, J)

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