

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36965 of 2014

Arising Out of PS.Case No. -335 Year- 2012 Thana -FATUHA District- PATNA

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1. Somar Nat Son of Jamun Nat Resident of Village-Kolhar, P.S.-Fatuha,
District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 05-02-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

There is allegation of rape against the petitioner but submission on behalf of the petitioner is that in course of trial, the informant very clearly stated that one, Sonu, who happens to be brother of the petitioner, committed the alleged crime but due to anger, she gave name of the petitioner. It is further contended by him that the doctor examined the victim on 07-12-2012 but the doctor did not find any sign of injury on the person of victim and therefore, the aforesaid circumstances clearly falsify the prosecution case.

Learned Additional Sessions Judge-III, Patna city has reported vide his letter dated 09-10-2014 that uptill now,

altogether 9 prosecution witnesses including the victim and the informant have already been examined and the case is pending for further evidence after framing of charge u/S 6 of the Protection of Children from Sexual Offence Act, 2012.

The perusal of above-said report of learned Additional Sessions Judge shows that after framing of charge under the above-said Act, de novo trial has been started.

Considering the aforesaid facts and circumstances as well as submission of the parties, particularly, keeping in mind the period of detention of the petitioner in jail custody as well as statement of the victim and the doctor, let the petitioner, named above be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Fatuha P.S. Case No. 335 of 2012 corresponding to Sessions Trial No. 245 of 2013 to the satisfaction of Additional Sessions Judge-VI, Patna city, Patna.

(Hemant Kumar Srivastava, J)

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