

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38542 of 2015

Arising Out of PS.Case No. -84 Year- 2015 Thana -SANDESH District- BHOJPUR

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Mithilesh Kumar Son of Shiv Shankar Sharma Resident of Village -
Kulharia, P.S.- Koilwar, District - Bhojpur (Ara)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nagendra Kumar Singh
For the Opposite Party : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-10-2015 Heard the counsel for the petitioner and counsel for the

State.

The petitioner is languishing in jail since 05.06.2015 in
a case instituted under Section 376 of the Indian Penal Code.

As per the prosecution case, it is a case of rape upon
the informant, namely, Savita Devi by the accused persons.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 05.06.2015. Chargesheet has
been submitted in the case. There is no allegation of tampering of
evidence against the petitioner. Petitioner has got no criminal
antecedent. The victim is the informant of the case whose
statement later on was recorded under Section 164 Cr.P.C. From
perusal of the two statements there is a contradiction between the

same. The victim was examined by the doctor. The medical examination does not support the allegations made in the FIR. The Deputy Superintendent of Police, the supervising officer in his finding in para-41 of the case diary has doubted the allegations levelled against the petitioner. It is further submitted that the petitioner may be released after completion of seven months in custody from 05.06.2015.

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

Considering the aforesaid facts and circumstances, it is directed that the petitioner be released after completion of seven months in custody from 05.06.2015 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction Shri Sidharth Pandey, Judicial Magistrate, Ist Class, Bhojpur at Ara in connection with Shandesh P.S.Case No.84 of 2015.

(Sudhir Singh, J)

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