

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40888 of 2015

Arising Out of PS.Case No. -369 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

Prabhash Mahto Son of Adhik Lal Mahto Resident of Village -
Maheshamunda Bind Toli, Police Station - Kahalgaon, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sucheta Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Sections 376 and 506 of the Indian Penal Code.

Allegation against the petitioner is to have committed
rape upon the informant.

It has been submitted on behalf of the petitioner that he is
in custody since 14.6.2015. Chargesheet has been submitted in the
present case. There is no allegation of tampering of evidence
against the petitioner. As per prosecution case, though the alleged
occurrence is said to have taken place in the maize field, the
investigating officer has examined the place of occurrence and has
not given any positive finding whether the alleged occurrence had
taken place at the alleged place of occurrence, which is evident
from para-11 of the case diary. The doctor, who is said to have
examined the victim, has also not given any positive finding in
respect to rape being committed upon the victim, which is evident
from Annexure-2 to the present application. It is further submitted

that petitioner may be released after completion of six months in custody from 14.6.2015.

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

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail after completion of six months in custody from 14.6.2015 on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge, Bhagalpur , in connection with S.T. no. 439 of 2014/Tr. No. 63 of 2015 arising out of Kahalgaon P.S. Case no. 369 of 2014.

(Sudhir Singh, J)

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