

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41844 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -MAHILA P.S. District- BANKA

1. Kartik Das, son of Bhumeshwar Das, resident of village- Bhukhiya, P.S. Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-10-2015 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 376,447, 448, 354 and 506 of the Indian Penal Code.

The prosecution case in, brief, is that when the
informant, in the night on 28.4.2015 was sleeping in her house
alone she noticed that some one is committing sexual intercourse
with her and when she awoke she found the petitioner committing
sexual intercourse with her in drunken condition. On protest he
showed the knife and asked to keep mum otherwise he would kill
her. To save her life she kept herself mum. It is further alleged that
after committing sexual intercourse he threatened her not to
disclose the fact to any one.

On behalf of the petitioner, it has been submitted that the petitioner has got no criminal antecedent. He is in custody since 30.06.2015. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioner. Though in the FIR the allegation of committing rape is alleged against the petitioner but in course of investigation the investigating officer has filed charge sheet under Section 376/511 IPC. Further, it is submitted that the petitioner may be released after completion of six months in custody from 30.6.2015.

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, after completion of six months in custody from 30.06.2015, on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Kiriti, learned J.M., 1st, Banka in Banka (Mahila) P.S. Case No.14 of 2015.

(Sudhir Singh, J)

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