

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42810 of 2014

Arising Out of PS.Case No. -63 Year- 2013 Thana -BAISI District- PURNIA

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Md. Ishrail @ Md. Israil Son of S.K. Maqbul Resident of Village -
Hatagachhi, P.S.- Baisee/ Baisi, District - Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 04-03-2015

Heard learned counsels for the petitioner,

State and the informant.

The petitioner is languishing in custody since
03.05.2014 in a case registered for the offences punishable under
Sections 376, 380, 323 and 504 of the Indian Penal Code.

It is alleged against the petitioner that the
petitioner entered into the house of the informant and established
forceful physical relationship.

It is submitted by learned counsel for the
petitioner that for the occurrence of 06.03.2013 the complaint was

filed on 18.03.2013 which came to be registered as police case on 22.04.2013. Paragraph 97 of the case diary reflects that the informant refused to get medically examined. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant and the State that the informant was alone in the house as her husband works outside the State, the reconciliation was going on as a result the complaint was filed with delay and due to certain inhibition the victim refused to get medically examined. Though, the learned APP submits that several hearsay witnesses have supported the accusation under Section 376 of the IPC against the petitioner.

It is further submitted by learned counsel for the petitioner that the petitioner filed Informatory Petition No. 231 of 2013 at earlier point of time raising apprehension that he may be implicated in some serious case.

Considering the delayed lodging of the case, the victim refused to get medially examined and a statement in para 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of learned 2nd
Additional Sessions Judge, Purnea in connection with Sessions
Trial No. 757 of 2014 arising out of Baisi/Baisee P.S. Case No. 63
of 2013.

(Dinesh Kumar Singh, J)

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