

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43643 of 2015

Arising Out of PS.Case No. -26 Year- 2014 Thana -MAHISI District- SAHARSA

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Md. Raj Mahboob @ Mintullah S/o Master Ali Nagar, a resident of village-
Bakunia, P.S.- Nawhatta, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-11-2015 Heard the learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is languishing in custody since 09.06.2015 in
connection with Mahisi P.S. Case No.26 of 2014 for the offences
instituted under Sections 366, 376, 313/34 of the I.P.C.

The prosecution story, in brief, is that complainant is
married house wife and law abiding citizen but the accused
persons are criminals and related with each other. It is further
stated that the complainant made protest but the accused persons
injected intoxicated material when she become nervous and unable
to raise halla and rape was committed.

It is submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. He is in custody since

09.06.2015. There is no allegation of tempering with evidence against the petitioner. Chargesheet has already been submitted in the case. The victim girl in her 164 statement has stated that she had left her house on her own will. From perusal of Annexure '3', it would appear that victim has filed the petition before the Court below where she has admitted that due to mistake of fact, the present case has been instituted.

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

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Saharsa, in connection with Mahisi P.S. Case No.26 of 2014.

(Sudhir Singh, J)

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