

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44207 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -KACHHAWA District- SASARAM (ROHTAS)

Mintu Miyan @ Pintu Miya son of Munna Miya, Resident of Village-Kaithi, P.S.- Kachhawa, District- Rohtas (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Malay Kumar Choudhary

For the Opposite Party : Mr. Pranav Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-12-2015 Heard the counsel for the petitioner and counsel for the State.

The petitioner is languishing in jail since 18.06.2015 in a case instituted under Sections 376, 354 and 504 of the Indian Penal Code.

As per prosecution case, the informant Puja Devi had filed a written report stating therein that in the night of 16.04.2015 accused entered in her house and committed rape upon her and when villagers arrived, he fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.06.2015. Chargesheet has been submitted in the case. There is no allegation of tampering of evidence against the petitioner. Petitioner has got no criminal

antecedent.

From perusal of para 36 of the case diary, it would appear that the doctor has found no spermatozoa. The medical report does not support the allegations made in the FIR. It is further submitted that the petitioner may be released after completion of six months in custody from 18.06.2015.

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 six months in custody from 18.06.2015 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction learned Judicial Magistrate, Ist Class, Bikramganj (Rohtas) in connection with Kachhawan P.S.Case No.23 of 2015.

(Sudhir Singh, J)

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