

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26393 of 2015

Arising Out of PS.Case No. -197 Year- 2014 Thana -UCHAKAGAON District- GOPALGANJ

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MD. MOKHTAR KHAN Son of Shamim Khan resident of Village-
Mohammadpur Koari, P.S.- Waini, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 366, 376, 406 and 504 of the Indian Penal Code and 3 / 4 of the Dowry Prohibition Act.

Allegation against the petitioner is to have established physical relationship with the informant on the pretext of marriage but later he denied.

It has been submitted on behalf of the petitioner that he has no criminal antecedent. He is in custody since 3.4.2015. Chargesheet has been submitted in the case. Prosecution has been lodged after a period of one year. Further from perusal of the case diary it appears that informant/victim in her restatement in para-5 has given a different version of the story. Sister of the victim has also given a different version of the story which is in para-7 of the case diary and mother of the victim has also differed from what has been stated in the F.I.R., which is available in para-8 of the case diary. As such, there is no consistency in the prosecution

case.

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 on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri C. B. Singh, learned Judicial Magistrate, Gopalganj, in connection with Uchkagaon P.S. Case no. 197 of 2014.

(Sudhir Singh, J)

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