

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50441 of 2015

Arising out of PS.Case No. -124 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

Shamsad @ Sahroj Alam, son of Quaiyum, resident of Village- Kashi Tola,
Police Station- Kishanganj, District- Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dilip Kumar Singh, Advocate.

For the Opposite Party : Mr. Veena Kumari Jaiswal(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 09.04.2015
in connection with S.T. No. 349/2015, arising out of Kishanganj
P.S. Case No. 124 of 2015 for the offences instituted under
Sections 341, 323, 325, 307, 376(D)/34 of the IPC.

The prosecution story, in brief, is that the accused
petitioner called the victim to a maize field and the victim was
gang raped. She was mercilessly given dagger blows and she was
almost killed. The victim some how after gaining consciousness
managed to call towards her residence in the morning where she
managed to draw the attention of the passers by. The rapist took
away the belongings of the victim.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 09.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. From perusal of Annexure-3, it is evident that the petitioner and the victim girl had entered into a Deed of Muslim Marriage Agreement. The victim girl is present in the Court and she admits the Deed of Muslim Marriage Agreement, Annexure-3.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

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 District & Sessions Judge, Kishanganj, in connection with S.T. No. 349/2015, arising out of Kishanganj P.S. Case No. 124/2015.

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(Sudhir Singh, J)