

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2459 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -ROSERA District- SAMASTIPUR

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1. Birmal Rai S/o- Late Anandu Rai, Residence of Village- Maniyarpur,
P.S.- Waris Nagar, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sita Ram Yadav

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 16-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Originally, the informant filed complaint case bearing
complaint Case No. 85 of 2014 on 29.01.2014 and on the basis of
aforesaid case, the present Rosera P.S.Case No. 43 of 2014 for the
offence under sections 376, 323/34 of the Indian Penal Code and
3(i) (x) SC/ST Prevention of Atrocities Act registered against the
petitioner.

There is accusation against the petitioner that he
committed rape on the informant but submission on behalf of the
petitioner is that the informant has been set up by one Ram Babu
Rai@ Gorka against whom petitioner lodged Waris Nagar
P.S.Case No. 81 of 2011 for the offences under section 366 of the

Indian Penal Code in respect of kidnapping of his minor girl. It is further contended by him that the trial of the aforesaid Waris Nagar P.S.Case No. 81 of 2011 has already commenced and that is why the accused of the aforesaid case set up the informant and got instituted the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Rosera in connection with Rosera P.S.Case No.43 of 2014 Samastipur.

(Hemant Kumar Srivastava, J)

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