

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18501 of 2015

Arising Out of PS.Case No. -163 Year- 2012 Thana -JALE District- DARBHANGA

Nageshwar Paswan, S/o Mouze Paswan, Resident of village- Baghaul, P.S. Jalley, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Anil Kumar(App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-07-2015 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jalley P.S. Case No. 163 of 2012 registered under Sections 366A and 376/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that it would appear from the written report of informant, Shahjahan Khatoon, that she moved with her neighbour, Arun Das and was kept several places. In that course, petitioner asked the informant to come at her house as her mother sent him, thereafter, petitioner along with Ramnath boarded the informant at motorcycle but in the way, petitioner committed rape. After that, petitioner left the informant near her house. It is further submitted that occurrence



took on 05.11.2012 but the F.I.R. was lodged on 08.11.2012 on the basis of written report of informant and Md. Umar Ali, Md. Salim and Jahana Khatoon wife of Md. Salim were put signature on the written report as witnesses. It is further submitted that after investigation police submitted final form against the petitioner finding the case untrue and charge sheet against the other co-accused but later on cognizance has been taken against the petitioner in the court of Chief Judicial Magistrate, Darbhanga. It is further submitted that father of the petitioner lodged a police case in the year 1996 and the case was committed to the court of Session numbered as Sessions Trial No. 61 of 1996 wherein Judgment was passed on 29.05.2010 in which Md. Salim, father of the informant, who is also put his thumb impression on the written report of the present case, was accused in Sessions Trial No. 61 of 1996 due to that reason petitioner has falsely been implicated in this case. It is further submitted that petitioner has no criminal antecedent.

Considering the aforesaid submissions, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Darbhanga,
in connection with Jalley P.S. Case No. 163 of 2012, subject to the
condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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