

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39132 of 2015

Arising Out of PS.Case No. -83 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

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1. Md. Zakir @ Jakir Son of Md. Jiyauddin resident of village - Saraunji,
P.S. Neemchak, Bathani, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 376 and other Sections of the Indian Penal Code.

As per the prosecution story, the petitioner is alleged to have offered fish to the informant's daughter Gulraj Khatoon while she was alone in her house and when she refused to take fish then the petitioner pressed her neck, torn her *Jumphar* and tried to commit rape upon her.

It has been submitted of behalf of the petitioner that the petitioner is in custody since 05.07.2015. Chargesheet has been submitted in the present case. There is no allegation of tempering with the evidence against the petitioner. Petitioner has got no

criminal antecedent. From perusal of Para 55 of the case diary it would appear that supervising authority did not find case under Section 376/511 of the Indian Penal Code. The petitioner and the informant are neighbours and for oblique reason, the petitioner has been made accused in the present case. It has further been submitted that the petitioner may be released after completion of six months from 05.07.2015.

It has been submitted on behalf of the State and counsel for the informant that the petitioner is named in the First Information Report and there is direct allegation made in the First Information Report against the petitioner for misbehaving with the daughter of the informant.

Considering the aforesaid facts and circumstances, the petitioner above named is directed to be enlarged on bail after completion of six months from 05.07.2015, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Gaya in connection with Nemchak Bathani P.S. Case No. 83/2015.

(Sudhir Singh, J)

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