

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38739 of 2015

Arising out of PS.Case No. -19 Year- 2015 Thana -KORHA District- KATIHAR

Md. Sahabuddin @ Pachu, Son of Late Gafur Mian Resident of Village-
Nakkjpur Kurmu Tola, P.S. Korha, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Md. Musowir, Advocate.

For the Opposite Party : Mr. Pushpa Sinha-Ii(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-10-2015 Heard learned counsels for the petitioner, informant and
learned counsel for the State

The petitioner is languishing in custody since 22.06.2015
in connection with Korha P.S. Case No. 19 of 2015 for the
offences instituted under Section 376(D) of the IPC.

The prosecution story, in brief, is that on 03.02.2015 in
night about 9.00 P.M., the informant was sleeping in her house
alongwith her children. At about 1.00 A.M., in the night Md. Siraj
and this petitioner entered into the house and gagged cloth into the
mouth of the informant and the petitioner alongwith other co-
accused have committed rape one by one with the informant.
When she raised alarm, then they threatened to kill her.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. The petitioner is in custody since 22.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The informant is a lady of questionable character and she was involved in Korha P.S. Case No. 336/2011 for the offence under Sections 372 and 373 of the IPC. The informant prior to institution of the present case, earlier also had filed a Complaint Case No. 328 of 2014 for the offence under Section 376 of the IPC dated 07.02.2014 against the petitioner. The said complaint was dismissed under Section 203 Cr. P.C. and without mentioning the aforesaid facts, she again instituted the present case. Hence, the conduct on the part of the informant indicates that she is in habit of filing of such cases and her character is apparently questionable as she has been made accused for the offence under Sections 372 and 373 of the IPC. It is further submitted that the petitioner may be released after completion of eight months in custody from 22.06.2015.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation against him for committing rape upon the informant.

Considering the aforesaid facts and circumstances that the

earlier the informant is an accused for the offence under Sections 372 and 373 of the IPC and further she had filed a complaint case prior to institution of the present case which was dismissed under Section 203 of Cr. P.C., let the petitioner above named, be released on bail after completion of eight months in custody from 22.06.2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar, in connection with Korha P.S. Case No. 19/2015.

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(Sudhir Singh, J)