

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40594 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -MAHILA PS District- DARBHANGA

1. Md. Issa son of Md. Jahangir Ansari resident of village - Hathra, Police Station - Kusheshwar Asthan and District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in a case registered under Sections 376, 354(A), 354(B) and 34 of the Indian Penal Code and Section 67(A) of the I.T.Act.

It is alleged by the informant that on 17.04.2015 at about 4 P.M. when she went for easement where her neighbours, namely, Md. Issa and Qamre Alam dragged the informant in her maize field and co-accused Qamre Alam started untieding her Salwar and committed rape upon her. The petitioner was doing videography and later on they fled away.

It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. He is in custody since

02.05.2015. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioner. The place of occurrence has been examined by the Investigating Officer, which is apparent from para 5 of the case diary, which do not support the prosecution case. The victim has been medically examined by the doctor, which is apparent from para 24 of the case diary, but no sign of rape was found upon the victim. The alleged occurrence is said to have taken place on 17.04.2015 but the FIR was instituted on 1.5.2015. No explanation has been made on behalf of the prosecution in respect of delay in lodging the case.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the facts aforesaid, let above named petitioner 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 learned S.D.J.M., Biroul at Benipur (Darbhanga) in Mahila P.S. Case No. 23 of 2015.

(Sudhir Singh, J)

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