

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3487 of 2015

Arising Out of PS.Case No. -15 Year- 2014 Thana -BAHERA District- DARBHANGA

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Md. Salim son of Late Md. Islam, resident of M.I.T. Colony Quarter No. 4,
Muzaffarpur, P.S. Ahiyapur, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 11-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Sessions
Trial No.179 of 2014 arising out of Bahera P.S. Case No.15 of
2014 in which charges have been framed under sections 366 and
376 of the Indian Penal Code.

It has been contended that though the alleged occurrence
took place on 1st January, 2014 but the FIR was registered after six
days on 7.1.2014. In course of investigation when the victim was
recovered she did not utter a word in her statement under section
161 of the Code of Criminal Procedure regarding any sort of force
applied upon her or otherwise. However, when she went to her
marital home and her statement was recorded under section 164 of

the Code of Criminal Procedure, she has made allegation of sexual exploitation which is after thought.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, the above named petitioner, who is in jail since 17th January, 2014 is directed to 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 A.D.J.-1, Benipur, Darbhanga in connection with Sessions Trial No.179 of 2014 arising out of Bahera P.S. Case No.15 of 2014 subject to the following conditions:

- (i) one of the sureties must be a close relative;
- (ii) the petitioner shall appear in person on each and every date of hearing in course of trial.

In case of failure to abide by any of the conditions imposed upon the petitioner, the court below shall be at liberty to cancel his bail bond.

(Ashwani Kumar Singh, J)

Md.S./-

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