

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34358 of 2015

Arising out of PS.Case No. -17 Year- 2015 Thana -MAHILA P.S. District- KISANGANJ

Ashraful, S/o Dr. Abdul Hannan, resident of Dealer Chowk, Mahingaon P.S. Kishanganj, District Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Advocate.
For the Opposite Party : Mr. Jitendra Kr.Roy 1(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 30.04.2015 in connection with Kishanganj P.S. Case No. 17 of 2015 for the offences instituted under Sections 366A, 342, 328, 376(D)/34 of IPC and 4/8 of POSCO Act.

The prosecution case, in brief, is that the informant on 15.03.2015 at about 4.00 P.M., went for toilet. In the meantime, Asharaful and a girl Mantasha came to her and told her to go market. Then they all came at Khagra Bus Stand wherein named Rahul was present. Ashraful and Rahul gave a senseless injection. When she came in sense, she was in Shimla. In Shimla, Ashraful, Rahul and Abdulla gang raped her for eight days. After eight days, Mantasha escaped and came back to village, given information to

the father. After pressure of villagers, Ashraful brought Rozina Khatoon to village. She again alleged that Ashraful, Rahul & Abdulla gang raped her forcibly.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 30.04.2015 and the charge sheet has been submitted in the case. There are three statements recorded of the informant. One is the statement in the F.I.R. second is 161 Cr. P.C. statement and third is the statement under Section 164 Cr. P.C. The said statements of the informant are contrary to the earlier statement. The present case has been instituted after 18 days of the alleged occurrence. The petitioner has falsely been implicated in the present case for ulterior motive.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Additional Sessions Judge, Kishanganj in connection with Kishanganj Mahila P.S. Case No. 17/2015.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)