

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29990 of 2015

Arising Out of PS.Case No. -190 Year- 2014 Thana -PHULPARAS District- MADHUBANI

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1. Md. Ezazul Haque @ Ezazul Son of Md. Razebul, resident of village - Dwaram, P.S. - Phulpras, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 27.10.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 23.6.2014 in a case registered under sections 376D, 341, 323, 324, 201, 120B of the Indian Penal Code and section 4 POSCO Act, 2012.

Petitioner is named in the fardbeyan of the informant with accusation of gang rape but it appears from the impugned order that victim did not name the petitioner when her statement was recorded under section 164 of the Cr.P.C and above all when victim was examined as prosecution witness before trial court, she did not even whisper the name of the petitioner rather she, specifically, stated that person who was standing in the dock had not participated in the crime.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like

amount each to the satisfaction of the Addl. Sessions Judge I,
Madhubani in Phulpras P.S. Case no. 190/2014.

(Hemant Kumar Srivastava,J)

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