

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35813 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -FALKA District- KATIHAR

=====

Bihari Mandal S/o- Madan Mandal, R/o- Kablasiya, P.S.- Falka, Distt-
Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh

For the Opposite Party : Mr. Rajesh Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-10-2015 Heard the counsel for the petitioner and counsel for the

State.

The petitioner is languishing in jail since 05.02.2015 in
a case instituted under Section 376 of the Indian Penal Code and 4
of POCSO Act.

It is alleged by the informant that on 30.10.2015 she
went for natural call in the field of Pakla Yadav and petitioner had
forcibly raped with her and her brothers, namely, Amit Choudhary
and Mantu Chaudhary came there and they caught the petitioner.

It has been submitted on behalf of the petitioner that
petitioner has got no criminal antecedent. He is in custody since
05.02.2015. Chargesheet has been submitted in the case. There is
no allegation of tampering of evidence against the petitioner. From

perusal of Annexure-3, it would appear that the doctor in the medical examination of the victim has stated that there was no spermatozoa found. The age of the victim is assessed between 16 and half years to 18 years. It is further submitted that the petitioner may be released after completion of nine months in custody from 05.02.2015.

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

Considering the aforesaid facts and circumstances, it is directed that the above named petitioner be released on bail after completion of nine months in custody from 05.02.2015 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri R.P.Singh, Special Judge/Additional Sessions Judge, Katihar in connection with Faka P.S.Case No.20 of 2015.

(Sudhir Singh, J)

B.Kr./-

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