

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10837 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -MAHILA PS District- KATIHAR

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1. Nanki Son of Md. Kalu, resident of village- Makhdumpur, P.S.- Katihar
Muffassil, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 09-05-2016 Supplementary affidavit has been filed on behalf of the

petitioner enclosing the copy of the order passed in Cri. Misc. No.

16587 of 2016, let it be kept on record.

Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 43 of 2015 registered for the offence punishable
under Section 376(G)/34 of the Indian Penal Code.

Allegedly, the petitioner and two other F.I.R. named
accused and others, total nine persons committed rape with the
victim and thereafter, she became unconscious and found herself
near the ditch.

Submission is of false implication and that from the



F.I.R. it would be appear that the occurrence is said to be of 21.09.2015 but fardbeyan was recorded on 24.09.2015 wherein, the name of the petitioner and two others have been added later on, the statement of victim has been recorded under Section 164 Cr.P.C. but she has not disclosed the name of the petitioner and two others, the petitioner has got no criminal antecedent and further he has not been put on TIP and is suffering in custody since 05.10.2015, co-accused Jaiki @ Md. Jaiki has already been allowed bail vide Cri. Misc. No. 1119 of 2016 and, as such, the petitioner also deserves sympathetic consideration. Further Md. Idrish has also been allowed bail.

Learned A.P.P. does not oppose the prayer of bail.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar in connection with Mahila P.S. Case No. 43 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason

shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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