

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23320 of 2015

Arising Out of PS.Case No. -121 Year- 2013 Thana -DIGHALBANK District- KISANGANJ

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1. Md. Ramjan S/o Md. Gulam Resident of Village Dogirija, P.S. Dighalbank, District Kishanganj.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. R.N. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-03-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 323, 376, 504 and 34 of the I.P.C

Allegedly, when the complainant/informant was sleeping in her house the petitioner got opened the door and at the point of knife started committing sexual assault with her resulting the informant cried and then the family members came and the petitioner after pushing them fled away.

Submission is of false implication and that due to the land dispute this case has been lodged as the father of the informant is not ready to give share to the mother of the petitioner, the entire allegations are false and concocted, earlier the petitioner and his family members were threatened to lodge false case and for that Information Petition No. 1351 of 2013 was filed. This case

has been filed only with a view to put pressure to withdraw Dighalbank P.S. Case No. 12 of 2009 which has been filed by father of the petitioner against the complainant's uncle and the family members, during investigation the informant refused for medical examination vide paragraph- 23 of the case diary and without any legal and cogent material the petitioner is suffering in custody since 28.02.2015.

The learned A.P.P. fairly submits that the informant refused to be medically examined.

In the facts and circumstances as stated above, considering detention of the petitioner, now he 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 C.J.M. Kishanganj in Dighalbank P.S. Case No. 121 of 2013, subject to the conditions that one of the bailors must be a 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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