

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17771 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -BAHERI District- DARBHANGA

=====

Pawan Das Son of Ram Sharan Das, resident of Village- Samadhpura, P.S.-
Baheri, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party : Mr. Indra Kr. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 10-08-2016 A supplementary affidavit has been filed on behalf of the

petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody in connection with Baheri
P.S.Case No.78 of 2015 registered for an offence under Sections
341, 323, 504, 506 and 376 of the IPC.

As per the prosecution case, it is alleged by the
informant that on 06.04.2015 at 8.00 P.M. accused took the
informant and her mother towards his field in order to cure them
from evils and forcibly committed rape with informant-victim and
on raising alarm by the victim, accused-petitioner assaulted her
and put Katta (sharp pointed weapon) on neck of mother of the
informant and threatened them with dire consequences.

Learned counsel for the petitioner submits that the petitioner is in custody since 04.03.2016. There is no allegation of tampering of witnesses against the petitioner. Charge-sheet has been submitted in the case. Petitioner has got no criminal antecedent. The victim/informant has already been examined in course of trial along with the other prosecution witnesses. The deposition of the victim has been brought on record by filing a supplementary affidavit. From perusal of the deposition made by the victim, it appears that she has denied the allegations made in the FIR.

On behalf of the State, it is submitted that the petitioner is named in the FIR but subsequently the victim has retracted from the earlier statement made in the FIR during the trial.

Considering the aforesaid facts and circumstances, let the above named petitioner 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 **ACJM-V, Darbhanga** in connection with **Baheri P.S.Case No.78 of 2015.**

(Sudhir Singh, J)

B.Kr./-

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