

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44318 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

1. Raj Deo Sadai Son of Domi Sadai, resident of Village- Braham Totar
Dhatta Tole, P.S.- Laukaha, 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. Sri Ajay Kumar-1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioner and the State.

The petitioner is in custody in a case registered under
Sections 342,323, 376, 34 of the Indian Penal Code and 4 POCSO
Act.

The allegation against the petitioner and other co-
accused is that they committed rape on the informant, namely,
Vibha Kumari, aged about 15 years.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 16.06.2016. Charge sheet has been
submitted in this case. The petitioner has got no criminal
antecedent. There is no allegation of tampering with the witnesses
alleged against the petitioner. The allegation made in the FIR is
not supported by the medical examination report,Annexure 3 to

the present application. The alleged date of occurrence is 23.09.2015 but the FIR was instituted on 08.10.2015. Delay of fifteen days has not been explained by the prosecution. The witnesses in paras 55 and 56 of the case diary have not supported the prosecution case.

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

Considering the aforesaid facts and circumstances of the case, let, 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 learned Additional Sessions Judge- 1st, Madhubani in connection with Mahila P.S. Case No. 80 of 2015.

(Sudhir Singh, J)

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