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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26350 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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Sunil Sadai Son of Chintu Sadai resident of village- Sundar Birajeet Tole, Udhaba Musahari, P.S.- Madhepur, District- Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

04/ 08.11.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Mahila P.S. Case No.66 of 2015 registered under sections 4/17 of POCSO Act.

The alleged occurrence is said to have taken place in the night of 13.9.2015 but the written report was filed on 18.9.2015. The informant states in her written report that in the night of 13.9.2015, she was sleeping on her roof and in the meantime, F.I.R. named accused Indu Devi came there and took her to her house where petitioner committed rape on her. The statement of the informant was recorded under Section 164 of the Cr.P.C. in which she stated a different story. The informant stated in her statement recorded under Section 164 of the Cr.P.C that while she was sleeping on her roof, one boy came

there and made attempt to outrage her modesty but she could not identify the aforesaid boy.

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The paragraphs of the case diary go to show that except the written report of the informant, there is nothing on the case diary to show that petitioner committed rape on the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioner above named be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the 1st Additional District Judge, Madhubani in Mahila P.S. Case no. 66/2015 subject to condition as laid down under section 438(2) of the Cr.P.C.

N.H/- (Hemant Kumar Srivastava,J)

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