

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24 of 2016

Arising Out of PS.Case No. -1304 Year- 2010 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Mukesh Ray, son of Dashrath Ray, Resident of Mohalla-Dharampur, P.S.
Samastipur town, District Samastipur. Petitioner

Versus

1. The State of Bihar.
2. Sanjeeta Devi, Wife of Bijay Paswan R/o Village- Gonuchak, P.S.
Vidyapatinagar, Dist Samastipur. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate
For the State : Ms. Meena Sinha (App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 16-02-2016 Heard learned counsel for the petitioner and

the State.

Petitioner apprehends his arrest in a case under

Sections 376,341,342/34 of the India Penal Code.

It is contended on behalf of the petitioner that

as per allegation, the petitioner along with two other persons who
were co-villagers of the complainant, had committed rape upon
her. However, police, after investigation submitted final form
exonerating the petitioner stating that the lady herself, is of
questionable character and due to that reason, she was being
opposed by said persons and, thus, false case was lodged.

However, upon protest petition filed on behalf

of the complainant, cognizance has been taken in this matter. It is
contended that even from perusal of the protest-cum-complaint

petition, it appears that the place of occurrence is behind the Nagar Palika complex but while recording her solemn affirmation, the complainant has stated that place of occurrence was a jungle where she was dragged and taken by the complainant.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Mukesh Ray be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in C.R. Case No. 1304/2010, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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