

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6178 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Ranjan Kumar @ Ranjay Kumar Son of Sri Vijay Mahto, Resident of
Village - Tarauniyapar, P.S. - Katarisarai, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 323, 504, 448 and 376/34 of the Indian Penal Code.

Allegation against the petitioner is that he raped informant while she was sleeping at 2 A.M. alone in her room.

It is submitted on behalf of the petitioner that he has got no criminal antecedent. He has been made accused due to mistake of fact. Father-in-law of the informant has not supported the prosecution case which is evident from para-14 of the case diary. From para-15 of the case diary it is evident that other independent witnesses, who are neighbours of the informant, have not supported the prosecution case. Similar fact is made in para-22 of the case diary also. There is no medical examination report of the victim to support the allegation made in the F.I.R. The alleged date of occurrence is 28.6.2015 but F.I.R. was instituted on 6.7.2015. The delay has not been explained on behalf of the prosecution.

On behalf of the State, it is submitted that petitioner is

named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar Mahila P.S. Case no. 92 of 2015/ G.R. no. 2579 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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