

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58400 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -KHARIK District- BHAGALPUR

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Mithun Kumar @ Mithun Kumar Singh Son of Rupesh Singh R/o Village
Bishwapuria, P.S. Kharik, District Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Rita Verma , APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 03-03-2016 Heard learned counsel for the petitioner and

learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kharik
P.S. Case No. 161 of 2015 registered for the offences
punishable under Sections 376D, 307, 120B/34 of the Indian
Penal Code and later on Section 302 of the Indian Panel Code
was added.

Allegedly, co-accused Suman Kumar took away
Arti Devi, the wife of the informant to participate in Bhoj
(feast) and thereafter she was found in unconscious state having
injuries. It is alleged that Suman Kumar and other F.I.R. named
accused persons committed rape and with an intention to kill
her they injured her and threw her on the road.



Submission is of false implication and that there is no eye-witness of the occurrence, the witnesses have only stated that co-accused Suman Kumar took away Arti Devi on the motor-cycle on the plea to participate in the feast, allegation of rape has not been supported during medical examination as no spermatozoa was found, charge-sheet has only been submitted under Section 302, 120B/34 of the I.P.C. and as such, the petitioner who is suffering in custody since 04.09.2015, deserves sympathetic consideration, to which the learned APP fairly submits that the witnesses have stated the name of Suman Kumar that he took away the deceased.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate, Naugachia, District-Bhagalpur, in connection with Kharik P.S. Case No. 161 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part

without any reason shall disentitle the petitioner from privilege
of bail.

(Jitendra Mohan Sharma, J.)

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