

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28727 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

Satish Mahto s/o Late Methur Mahto, resident of Village- Sumera
Nurnagar, P.S. Kudhani (Turki O.P.), District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar @ Sanidh, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, App

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-08-2016 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner is languishing in custody since 26.05.2016 in connection with Kurhani P.S. Case No. 120 of 2016 registered for offences under Section 376 of the Indian Penal Code but later on charge sheet has been submitted under Sections 376/511 IPC.

The prosecution story, in brief, is that the petitioner took the informant's daughter in a Maize field where he committed rape upon her which was witnessed by one Md. Saleem and he raised alarm on which villagers namely, Md. Alam and Md. Rahmat caught this petitioner.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 26.05.2016. Charge-sheet has been submitted

in the present case under Sections 376/511 IPC. There is no allegation of tempering of witnesses alleged against the petitioner. As per the FIR, Md. Saleem is the eye witness to the alleged occurrence. His statement has been recorded in course of investigation where he stated that he saw the petitioner fleeing away from the place of occurrence. The statement of the victim has not been recorded. The medical examination report also do not support the allegations made in the FIR. The independent witness in para 8 of the case diary has stated regarding the false implication of the petitioner.

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

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Kurhani P.S. Case No. 120 of 2016.

(Sudhir Singh, J)

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