

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23571 of 2016

Arising out of PS.Case No. -421 Year- 2014 Thana -NAUBATPUR District- PATNA

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Santosh Kumar, Son of Jarbut Mahto, resident of Village- Kalapur
Bhagawanpur, P.S.- Naubatpur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Niwas Prasad, Advocate.

For the Opposite Party : Mr. Ram Naresh Roy (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 24-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 26.08.2014
in connection with Naubatpur P.S. Case No. 421 of 2014 for the
offences instituted under Sections 448, 341, 323, 354 and 376 of
the IPC.

The prosecution story, in brief, is that on 20.08.2014 the
informant and his family members proceeded to Patna for the
delivery of his daughter-in-law and his younger daughter Manju
Kumari, aged about 20 years, remained alone in her house. On
return of the informant, Manju Kumari informed him that at 12.00
P.M. in the afternoon, accused Santosh Kumar entered into the
house and committed rape on her after breaking *Nara* of her *Paint*.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.08.2014 and the charge has been framed in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. He has falsely been implicated in the present case. The medical report does not indicate any sign of rape upon the victim. It is further submitted that the petitioner shall be physically present on each and every date fixed by the trial court.

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, it is directed that the petitioner shall be physically present on each and every date fixed by the trial court. 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 Additional Sessions Judge-VII, Danapur, Patna, in connection with Naubatpur P.S. Case No. 421 of 2014.

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(Sudhir Singh, J)