

1. Md. District-
1. The S
Appear
For the

1 Md. Atabul S/o Kiyamat Miyan P/o Baghuni Chak P.S. Mansahi

17. *Indra, Pitasari S, Satriyadatta Mayjanti, 1993. Diagram Shari, 193. Transaksi, 1993. 11-14.*

District- Kattimal

Petitioner/s

II

versus

1. The State of Bihar

... ..

.... Opposite Party/s

Appearance .

given by the informant stating that a talk of Panchayati was going on.

Learned counsel for the petitioner submits that there is inordinate delay in lodging the first information report and moreover, after due investigation, police found the case true only for the offence punishable under Sections-354(A), 456, 457, 506 of the Indian Penal Code though the learned court below having differed with findings of the police, took cognizance for the offence punishable under Sections-376, 456, 457, 506 of the Indian Penal Code. Learned counsel for the petitioner also highlighted this fact that in course of investigation, the I.O. noticed that just after the alleged occurrence, police reached on the place of occurrence but neither the informant nor her any other family members disclosed about the above-said occurrence.

To fortify the aforesaid contentions, he referred paragraph-31 of the case diary.

On the other hand, learned counsel, appearing for the informant opposed the prayer, submitting that the statement of the victim was recorded u/S 164 of the Cr.P.C. in which, she stated about the story of rape and moreover, almost all the witnesses have supported the prosecution case.

Admittedly, the investigation against the petitioner has

already been completed and the police found the story of rape untrue though the court below has taken cognizance of the offence of rape and, therefore, considering the above-said facts and circumstances of the case as well as submission of the parties and also keeping in mind that there is inordinate delay in institution of the present case, let the petitioner named above, who is languishing in jail custody since 04-01-2016, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mansahi P.S. Case No. 60 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-II, Bhagalpur.

A.K.V./-

(Hemant Kumar Srivastava, J)

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