

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30346 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -MOHIUDDIN NAGAR District- SAMASTIPUR

Md. Amzad, Son of Md. Hafij, resident of Village Madudabad, Police Station Mohiuddin Nagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mrs. Mahasweta Chatterjee, Advocate.

For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 14.12.2015 in connection with Mohiuddin Nagar P.S. Case No. 217 of 2015 for the offences instituted under Section 376 of the IPC.

The prosecution story, in brief, is that the petitioner forcibly committed rape upon the victim.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.12.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. There is a contradiction in the

statement made by the informant in the FIR and in her restatement in course of investigation. The medical examination report does not indicate any sign of rape. The petitioner has been made accused in the present case due to previous enmity.

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 C.J.M., Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 217 of 2015.

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(Sudhir Singh, J)