

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31851 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -BISFI District- MADHUBANI

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Bimal Kamat Son of late Sukhdeo Kamat, Resident of Murliya Chak, P.S.
Bisfi (Pathauna O.P) District Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 23-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 341, 323, 376, 452, 313, 511 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 3.10.2014 at 6 P.M. the complainant/informant's daughter was cutting grass, in the meantime the co-accused including the petitioner on the point of dagger committed rape and gave threatening that if the said matter came before anyone then finished her all family members. After three months the victim narrated the fact to her mother. Then a panchayati was fixed to be 22.3.2015, but on the same day the co-accused and the petitioner assaulted the informant and his wife. When her daughter came to save him the petitioner assaulted her with intention to abort her pregnancy but she was saved.

It has been submitted on behalf of the petitioner that

the petitioner is in custody since 19.8.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The alleged date of occurrence is 3.10.2014, whereas the Complaint was filed on 30.3.2015. Delay has not been explained by the prosecution. The victim in the statement recorded under Section 161 of the Cr.P.C. has given different version of the occurrence. The medical report does not find any sign of rape upon the victim.

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

Considering the aforesaid facts and circumstances, it is directed that 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 learned Additional Sessions Judge VI, Madhubani in connection with S.T. No.348 of 2015 arising out of Bisfi (Patouna) P.S. case No.99 of 2015.

(Sudhir Singh, J)

Narendra/-

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