

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28401 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

MD.MOIM @ MOINUDDIN @ MD. MOINUDDIN, son of Late Nawab Sah, resident of Fakir Tola Gangjala, Ward No. 16, Police Station-Saharsa, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 26.02.2016 in connection with Mahila P.S. Case No. 12 of 2016 for the offences instituted under Sections 376 and 506/34 of the IPC.

It is alleged that co-accused Md. Haidar with the assistance of three others committed rape upon the victim while she was going to take cloth from the tailoring house.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.02.2016 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 is not

named in the FIR. The name of the petitioner has come in 164 Cr. P.C. statement of the victim. The allegation of commission of rape is against one Md. Haidar. As far as the petitioner is concerned, it is alleged that he had threatened the victim after the occurrence. The other co-accused have been granted anticipatory bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 25497 of 2016.

On behalf of the learned counsels for the informant and the State, it has been submitted that though the petitioner is not named in the F.I.R. but he has actively participated in the alleged occurrence.

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., Saharsa, in connection with Mahila P.S. Case No. 12 of 2016, G.R. No. 412 of 2016.

U.K./-

(Sudhir Singh, J)

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