

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46326 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -HATHAURI District- MUZAFFARPUR

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1. Phudan Mandal S/o Late Dharkhan Mandal R/O village- Bhadai, P.S.-
Hathauri, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Sri Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since
06.06.2016 in connection with Hathauri P.S.Case No. 58 of 2016
registered for the offence punishable under Section 376 of the
Indian Penal Code.

The prosecution case as lodged by the informant is that
when the mother of the informant was sleeping on the roof of the
house, in the meantime his neighbour, Phudan Mandal came on
the roof top and committed rape upon the mother of the
informant. Upon hulla, the accused fled away but later on caught
by the villagers and handed over to the police.

It has been submitted by the learned counsel for the



petitioner that the petitioner is of 60 years and the victim is also about the same age and the petitioner was working in the house of the informant where he was getting low payment, hence, a false and concocted story has been made out against him. He further submits that the medical report does not support the prosecution case and charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

Considering the materials available and that charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Hathauri P.S.Case No. 58 of 2016.

(Nilu Agrawal, J)

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