

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18186 of 2016

Arising Out of PS.Case No. -31 Year- 2013 Thana -MAHILA P.S. District- SAMASTIPUR

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Dilip Kumar @ Dilip Mahto, Son of Vishwanath Mahto, resident of village
- Ram Nagar, P.S. Hasanpur, District – Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra, Advocate.

For the Opposite Party : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 21.11.2015
in connection with Samastipur Mahila P.S. Case No. 31 of 2013,
corresponding to S.T. No. 650 of 2015/403 of 2015 for the
offences instituted under Sections 363(A) and 376/34 of the IPC
and 4 of the Child Sexual Harassment Act.

The accusations are of kidnapping and establishing
physical relationship with the minor daughter of the informant by
the petitioner. .

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. The petitioner is in
custody since 21.11.2015 and the charge sheet has been submitted

in the present case. The petitioner has falsely been implicated in the present case. Though in the F.I.R., it is alleged that for the purpose of marriage the victim was abducted. Subsequently, the victim was examined under Section 164 Cr. P.C., where she alleged regarding commission of rape upon her. From perusal of paragraph no. 33 of the case diary, it is evident that the medical examination report carried out by the Medical Board do not support the prosecution case.

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 Additional Sessions Judge-Ist, Samastipur, in connection with Samastipur Mahila P.S. Case No. 31/2013, corresponding to S.T. No. 650 of 2015/403 of 2015.

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(Sudhir Singh, J)