

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44809 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -BARSOI District- KATIHAR

Md. Athar alias Athar Alam, Son of Shabbir Alam, resident of Vill.-
Imadpur, Police Station Barsoi, District Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.49140 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -BARSOI District- KATIHAR

Md. Abu Talib @ Md. Talib, son of Md. Khalil, resident of Village-
Raghunathpur, Police Station - Barsoi, District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44809 of 2015)

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr. A.K.Choudhary, APP

(In Cr.Misc. No.49140 of 2015)

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-02-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Barsoi (Sudhani) P.S. Case No. 131/15 for offences alleged under
Section 376/34 of the Indian Penal Code.

The prosecution case, as stated by the victim lady



Nurela Khatoon, is that on 27.06.2015 at about 10.00 P.M. when the victim came out of her house to ease herself, petitioners got down from the motorcycle and asked the victim to accompany with them. The victim tried to raise hulla but petitioner Md. Athar gagged her mouth by putting cloth. It is further alleged that the petitioners took her to railway gate Kadamgachhi and committed rape on her in a railway quarter and thereafter the accused persons including the petitioners left the victim on the road by the motorcycle bearing Registration No. BR39 7874.

It has been submitted by the learned counsel for the petitioner that they are innocent having no criminal antecedent, as is evident from Paragraph 3 of their petitions and have been falsely implicated in the aforesaid case. It has further been submitted that the matter has been investigated and the victim herself has been found to be of doubtful character, as is evident from Paragraph 41 of the case diary. Learned counsel for the petitioners further contended that the petitioners have been implicated in this case only on suspicion.

Learned APP, however, submits that the petitioners are named in the First Information Report.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the court below within

a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar, in connection with Barsoi (Sudhani) P.S. Case No. 131/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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