

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19079 of 2017

Arising Out of PS.Case No. -31 Year- 2014 Thana -MAHILA PS District- GOPALGANJ

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1. Barkat Ali, Son of Mufit Alam, Resident of Village- Deoria Tola Takia,
P.S. Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-06-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Gopalganj Mahila P.S.
Case No. 31 of 2014 instituted for the offence under Sections-
376/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
the occurrence has taken place on 29-05-2014 whereas; the FIR
has been lodged on 03-06-2014. The petitioner has, voluntarily,
surrendered in the court below and he is in custody since 05-09-
2016.

It is alleged in the written report that this petitioner
took the informant towards back of the house and committed rape
with her, which caused bleeding injury to the informant.

The C.D. has been received and injury report of the



victim is available in the C.D. wherein the doctor has not found any injury over her body. The doctor further opined that there is no evidence of sexual assault. The doctor has assessed the age of the victim as 16-17 years. The learned Sessions Judge has referred paragraphs-11, 13 & 14 of the C.D in the impugned order.

Learned APP after perusal of those paragraphs, has submitted that the victim has disclosed to the in mates about the occurrence. There is no eye witness of the occurrence.

In such circumstances, the prayer for bail is allowed and the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Gopalganj Mahila P.S. Case No. 31 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj subject to condition that both the bailors should be close relatives of the petitioner.

(Sanjay Priya, J)

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