

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26043 of 2017**

Arising Out of PS.Case No. -186 Year- 2014 Thana -KODHA District- KATIHAR

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1. Md. Atabul @ Atabul @ Bodawa @ Godwa S/o- Mustaque, resident of  
Village- Madhura, P.S.- Korha, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      26-07-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in custody since 11.11.2014 in  
connection with Korha P.S. Case No. 186/2014, G.R. No.  
3422/2014 for offences punishable under Section 376 of the Indian  
Penal Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is that  
her minor daughter Sonam Khatoon after taking meal was  
sleeping. The petitioner was found sleeping beside her, who had  
committed rape on the informant's daughter.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and has falsely been implicated in the



aforesaid case. He bears no criminal history and is in custody for more than 2½ years. He further submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner has committed a serious offence, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged on bail after six months from today (26.07.2017) on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-1 cum Special Judge, Katihar, in connection with Korha P.S. Case No. 186/2014, G.R. No. 3422/2014.

**(Nilu Agrawal, J)**

Rajesh/-

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