

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28636 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -KATIHAR MUFFASIL District- KATIHAR

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Md. Sabir @ Sabir, Son of Md. Sirajul, resident of Village- Makdumpur,
Police Station- Muffasil, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.05.2017 in connection with Muffassil P.S. Case No. 52 of 2017
registered for the offence punishable under Section 376 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, Tajo
Khatoon, is that while she was cutting grass in the field of Liyakat
Miyan, petitioner came and committed rape on her.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and that
there was dispute between the informant's side and the petitioner's



side, hence, he has been falsely implicated. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and the witnesses have supported the prosecution case, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Sri Dharmendra Singh, learned Judicial Magistrate 1st Class, Katihar in connection with Muffassil P.S. Case No. 52 of 2017 after completion of six months in custody, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J.)

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