

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1024 of 2017

Arising Out of PS.Case No. -498 Year- 2015 Thana -BIRAUL District- DARBHANGA

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Mintullah, S/o Abdul Samad, R/o Dekuli Tola, Damaya, P.S. - Biroul,
District - Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Abdus Shakoor, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 20.07.2016
in connection with Biroul P.S. Case No. 498 of 2015 for the
offences instituted under Sections 376/34 of the IPC.

The prosecution story, in brief, is that on 02.12.2015 at
10.00 P.M., while the minor daughter of the informant, namely,
Sanjida Khatoon, aged about 14 years, was sleeping in her house,
this petitioner and co-accused Md. Fasiuzzama entered into her
house and co-accused Fasiuzzama showed a *Chhura* to Sanjida
and this petitioner caught her hand and began to commit rape upon
her. She raised alarm on which the informant and his family
members woke up and saw the petitioner and co-accused
Fasiuzzama fleeing away but mobile, jacket and sandal of the
petitioner were left there. When the matter was reported to the



members of the society, the accused persons began to give threatening and could not allow him to police station then the informant stealthily came to Darbhanga and submitted application before the S.S.P. Darbhanga.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.07.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has falsely been implicated in the present case. The victim has been examined under Section 164 Cr. P.C. where she has denied the allegation made in the FIR. A compromise petition has also been filed in the court below which is Annexure-4 to the present application.

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 S.D.J.M. Biroul, Darbhanga, in connection with Biroul P.S. Case No. 498 of 2015.

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(Sudhir Singh, J)

