

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.53103 of 2016**

Arising Out of PS.Case No. -77 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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Nabi Hussain, Son of Manuddin Mian @ Mainuddin, resident of Village-Shammopur, Police Station- G.B. Nagar (Tarwara), District- Siwan.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Manohar Prasad Singh, Advocate.

For the Opposite Party : Mr. Satyadev Prasad Singh Yadav, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      16-01-2017                      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 11.09.2016 in connection with Siwan Mahila P.S. Case No. 77 of 2016 for the offences instituted under Section 376 of the IPC.

The prosecution story, in brief, is that on 10.09.2016, the petitioner committed rape upon the informant's daughter, who is physically handicapped.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.09.2016 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 falsely been implicated in the present case. The victim has not



been examined under Section 161 Cr. P.C. or under Section 164 Cr. P.C. There is no statement of the victim in the entire case diary. Prior to institution of the present case, an informatory petition was filed by the petitioner stating that due to land dispute between the parties, a false case can be instituted against him. The medical examination report does not support the allegation made in the F.I.R.

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. Siwan, in connection with Siwan Mahila P.S. Case No. 77 of 2016.

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**(Sudhir Singh, J)**

