

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52462 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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1. Sahdeo Sadai Son of Devi Lal Sadai, Resident of Village- Brahamotra,
Dhata Tole, P.S.- Laukhaha (Lalmaniya O.P.), District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-01-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 342, 323, 376/34 of the I.P.C. and Section 4 of the POCSO Act.

Allegation is that the petitioner and one other co-accused committed rape with the informant in bush.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.9.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The allegations made in the F.I.R. are not supported from the medical examination report. The alleged date of occurrence is 23.9.2015 but the F.I.R. was



instituted on 8.10.2015. Delay of 15 days has not been explained by the prosecution. The witnesses in paragraphs 55 and 56 of the case diary have not supported the prosecution case. The other co-accused has been granted bail vide Cr.Misc.No.44318 of 2016.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 learned Additional Sessions Judge 1st, Madhubani in connection with Mahila P.S. case No.80 of 2015.

(Sudhir Singh, J)

Narendra/-

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