

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53304 of 2016

Arising Out of PS.Case No. -729 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Md. Asrat @ Md. Asraf son of Md. Mazrul Resident of Village-Bagulagarh, P.S. Manihari, District-Katihar at Present resided at Village-Baigana, P.S. Katihar, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 24-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Katihar (Town) P.S. Case No. 729 of 2015 instituted for the offence under Sections-376/323 of the Indian Penal Code.

Allegation against this petitioner is that on the pretext to solemnize marriage, the petitioner committed rape with complainant on 09-10-2015.

It has been submitted on behalf of the petitioner that complaint case has been filed after a delay of more than 15 days on 27-10-2015. It has further been submitted that the statement of victim girl has been recorded u/S 164 of the Cr.P.C. on 25-12-2015 wherein she has stated that the occurrence took place one year back which is apparent contradictory statement as per her



statement made in the complaint petition. It has also been submitted that now compromise petition has been filed between the parties in the court below. The certified copy of the aforesaid compromise petition has been produced at the time of hearing of the bail petition. The petitioner is said to be in custody since 04-10-2016.

In such circumstances, the prayer for bail is allowed and the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Katihar (Town) P.S. Case No. 729 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Katihar subject to condition that both the bailors should be close relatives of the petitioner.

(Sanjay Priya, J)

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