

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26245 of 2017

Arising Out of PS.Case No. -139 Year- 2014 Thana -KATIHAR MUFFASIL District- KATIHAR

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Sk. Jamiruddin @ Sk. Jaminuddin Son of Late Sk. Nadali @ Nadaluddin ,
Resident of Mohalla Rampara, P.S.- Katihar (Sadar). District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.04.2017 in connection with Katihar Mufassil P.S. Case No.
139 of 2014, G.R. No. 3715 of 2014 registered for the offence
punishable under Sections 147, 149, 323, 379, 307, 376 and
489(A) of the Indian Penal Code. Earlier a complaint case, bearing
No. 2590 of 2014 was filed by the complaint-informant, which
was converted into the present police station case under Section
156(3) of the Cr.P.C.

The prosecution case, as lodged by the informant, is
that the petitioner along with five other co-accused threatened her



to withdraw the case and the petitioner and one another co-accused committed rape upon her. It is alleged that accused persons assaulted the complainant-informant and snatched earrings and Rs. 25,000/- and other valuables.

It has been submitted by the learned counsel for the petitioner that he is innocent and earlier complainant-informant had made him accused while he was at Siliguri and alleged that he established sexual relationship on assurance to marry her, which culminated in Sessions Trial No. 8 of 2012 in which he has been acquitted by the Court of learned Additional District and Sessions Judge, Fast Track Court, , Siliguri, District Darjeeling on 30.04.2016, which is Annexure-2 to this application. He submits that the complainant-informant is a 35 year old lady of questionable character and has filed several cases against him. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. Counsel for the petitioner submits that the persons, who had the shops at the place of occurrence, have not supported the prosecution case.

However, learned A.P.P. for the State 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 Shri D. Singh, learned Judicial Magistrate 1st Class, Katihar, in connection with Katihar Mufassil P.S. Case No. 139 of 2014, G.R. No. 3715 of 2014.

(Nilu Agrawal, J.)

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