

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35006 of 2017

Arising Out of PS.Case No. -15 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Sunil Mukhiya Son of Lakhan Mukhiya, R/o Village- Chhatapur Ward No. 16, P.S.- Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mahila Police Station Case No. 15 of 2016, disclosing offences under Sections 498A, 376, 323, 325, 379/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. As a matter of fact, the complaint has been filed after lapse of ten days from the date of occurrence without explaining the plausible delay, which creates doubt on the prosecution version. Moreover, no medical report is available on record to support the allegation of rape upon the



victim. In fact, the petitioner, who is Devar of the victim, has falsely been implication in this case on account of partition of family property. Hence, the petitioner, who is of clean antecedent, deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 Sub Divisional Judicial Magistrate, Supaul, in connection with Mahila Police Station Case No. 15 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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