

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6617 of 2018

Arising Out of PS.Case No. -386 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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Md. Sameer @ Md. Mahtab @ Mahtab S/o Md. Nausad @ Nausad , R/o
Mohalla- Bari Khanjarpur, P.S.- Barari, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate.

For the Opposite Party/s : Smt. Suman Kumari Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in S.T. No. 955 of 2017
arising out of Kahalgaon (Rasalpur) P.S. Case No. 386 of 2017
registered under Sections 406, 420 and 376/34 of the Indian Penal
Code.

Petitioner is said to have taken Rs. 30000/- from the
informant in the name of managing job for her claiming himself to
be son of the S.P.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The petitioner
has been falsely implicated in this case. There is contradiction
between the fardbeyan and the statement recorded under Section



164 Cr.P.C of the informant. Though in her statement recorded under Section 164 Cr.P.C., she has stated that the petitioner has also committed rape against her taking her to Dumka, but in her fardbeyan she has not whispered about committing rape against her by the petitioner. The doctor has also not found any sign of rape against the victim. There is also contradiction regarding the amount claimed by the petitioner. There is no evidence of giving any money by the informant to the petitioner. The petitioner has been languishing in custody since 18.07.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged 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 5th Additional Sessions Judge, Bhagalpur in connection with S.T. No. 955 of 2017 arising out of Kahalgaon (Rasalpur) P.S. Case No. 386 of 2017.

(Prakash Chandra Jaiswal, J)

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