

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53813 of 2018

Arising Out of PS.Case No. -318 Year- 2018 Thana -KATIHAR District - KATIHAR

- =====
1. Md. Jafar Rakib @ Md. Zafar Rakib Son of Late Md. Abdul Rakib
resident of village - Chapraili, Police Station - Amour, District Purnea.
 - 2.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jawed Ahmad

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-10-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in Katihar Nagar Sahayak P.S.
Case No. 318/2018, instituted for the offence under Section(s) 377
of the Indian Penal Code.

Learned counsel for petitioner has submitted that
petitioner is a senior officer, working as ADM. He has been
falsely implicated in this case. In fact, the informant does not want
to go to his transferred place. It is further submitted that there is
total improvement in the statement given by victim (informant)
under Section 164 Cr.P.C. and in the written report.

In the written report it is alleged that informant who is
working as Clerk was transferred from Barsoi Anchal to Patna and



for getting relieve, he went to the office of ADM, Katihar. The A.D.M., Katihar directed the head clerk of district establishment department to place file. He handed over the educational qualification certificate to the informant. Thereafter the petitioner (A.D.M.) called the informant for dinner with him and committed unnatural act with him.

Learned counsel for the petitioner has submitted that in the written report date of occurrence has not been mentioned. It is alleged that informant has sent written report to the District Magistrate and thereafter case has been registered by the police on 25.05.2018. Injury report has been enclosed as Annexure-5, which shows that doctor has not found any external injury on the victim. No abrasion, bruise, foreign particles have been found on the anal region of victim.

The statement of victim recorded under Section 164 Cr.P.C. has been filed along with supplementary affidavit which shows that there is total improvement from the statement made by the victim in the written report.

The petitioner is in custody since 07.07.2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let 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 the learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar Sahayak P.S. Case No. 318/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J.)

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