

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54713 of 2018

Arising Out of PS.Case No. -459 Year- 2017 Thana -KUDHNI District- MUZAFFARPUR

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1. Pankaj Kumar son of Rajeshwar Bhagat resident of village Gaunsi Bhagirath, P.S. Kudhani, Dist. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 31-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Kudhani P.S. Case No. 459 of 2017 instituted for the offence under Section 376 of the Indian Penal Code.

Counsel for the petitioner submits that petitioner is in custody since 8.6.2018.

In the complaint petition which was sent to Police Station under Section 156(3) Cr. P.C. it is alleged that this petitioner along with co-accused Awadhesh Kumar committed rape with informant.

Counsel for the petitioner submits that informant during course of investigation has filed an affidavit before the police wherein she has named the co-accused Awadhesh Kumar



merely on suspicion which is mentioned in paragraph 28 of the case diary, which shows, false implication of the petitioner. Counsel for the petitioner further submits that no medical examination of the victim (informant) was done. She has filed the instant case only to save her skin from Kudhani P.S. Case No. 363 of 2017 filed by mother of the petitioner against Mohan Bhagat, father of the informant and Rajiv Kumar, brother of the informant.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner 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 learned Additional Chief Judicial Magistrate-cum-Sub Judge, Muzaffarpur, in connection with Kudhani P.S. Case No. 459 of 2017, subject to the condition that both the bailors will be the close relatives of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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