

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58909 of 2017

Arising Out of PS. Case No.-157 Year-2015 Thana- KRITYANAND NAGAR District-
Purnia

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Leela Nand Mahaldar, Son of Jagdish Mahaldar, resident of village Khutti
Hasaili P.S. K. Nagar (Sri Nagar), P.S. District Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh kumar
For the Opposite Party/s : Mr. SRI SANJAY KUMAR

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-01-2018 Heard learned counsel for the petitioner and the State.

This is an application for regular bail in connection with
K.Nagar (Sri Nagar P. S. Case no. 157 of 2015 giving rise to
Sessions Trial No. 308 of 2017) registered for the offences
punishable under Section 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape
upon the victim(informant) when his husband had gone to
purchase fish from market on 22.03.2015 at 4 A.M.

It has been alleged by informant that FIR was not
registered by the police and thereafter she filed a complaint case
in the court of C.J.M. Purnea, who referred the matter under
Section 156(3) of the Code of Criminal Procedure to the
concerned police station for instituting case under Sections 376



and 325 of the Indian Penal Code. Informant was examined by the medical officer and no mark of violence on any part of the body of the informant including private part was found. No spermatozoa was also found. The medical officer did not find any evidence of rape but it has been observed that possibility could not be ruled out. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, let above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea, in connection with K. Nagar (Sri Nagar P.S. case no.157 of 2015 giving rise to Sessions Trial No. 308 of 2017).

(S. Kumar, J)

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