

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5512 of 2018

Arising Out of PS.Case No. -201 Year- 2017 Thana -DHURAIYA District- BANKA

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1. Mithlesh Bharti S/o Late Naresh Paswan, R/o Village- Jonki, P.S.-
Dhoraiya, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-03-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 366/363/497 of the Indian Penal Code.

Allegation against the petitioner is of inducement and abduction to the wife of the informant for some illicit purpose. The wife of the informant is aged about 45 years, mother of four children. The eldest one is about 19 years. On recovery the victim stated that on the way the son of the victim accompanied the victim along with the petitioner, who was known to her and thereafter petitioner took her to a place where the petitioner ravished her for several days.

Submission is that the petitioner is a member of



Panchayat Samity and just to tarnish the political career, the false case has been lodged. The wife of the informant had lodged a case with identical allegation against Nityanand Mandal and Banarsi Mandal as well as Shyama Devi alleging therein that those accused committed rape against her. The trial resulted in acquittal vide S.T. No.1019 of 2005 arising out of Dhoraiya P.S. Case No.29 of 2005. He further submits that son of the victim has not been examined by the police who could have been the best witness in this to corroborate the statement under Section 164 Cr.P.C.

Considering the entire facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Dhoraiya P.S. Case No.201 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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