

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35407 of 2018

Arising Out of PS. Case No.-116 Year-2018 Thana- MUFFASIL District- West Champaran

Altat @ Iltat @ Altat Alam S/o late Noor Alam @ Noor Alam Shah R/o
Village-Beldari, P.S. Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 34892 of 2018

Arising Out of PS. Case No.-116 Year-2018 Thana- MUFFASIL District- West Champaran

Rajesh @ Rajesh Mukhiya S/o Harishankar Mukhiya, Resident of Village-
Sareya, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 35407 of 2018)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Zainul Abedin

(In Criminal Miscellaneous No. 34892 of 2018)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 18-09-2018 It has been submitted on behalf of the petitioner that

Rajesh @ Rajesh Mukhiya in Cr. Misc. No. 34892 of 2018 has

already been taken into judicial custody, as such, his petition

become infructuous.

The petition is dismissed as having become infructuous.



Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Bettiah Muffasil P.S. Case No. 116 of 2018 registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

Informant who claims to be 12 years old has alleged rape against her by petitioner and two others in the night of 21.03.2018 and written complaint was made on 22.03.2018. She was medically examined by Medical Board on 23.03.2018 but no injury either external or internal has been found on the person of victim. The Medical Board has assessed the age of girl between 15-17 years and no recent intercourse has been found, no spermatozoa dead or alive has been found and as such, the allegation of informant of committing rape is not corroborated by medical evidence. Petitioner has no criminal antecedent and he is in custody since 23.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st-cum-Special Judge,



Bittiah, West Champaran, in connection with Bettiah Muffasil
P.S. Case No. 116 of 2018.

(S. Kumar, J)

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