

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5771 of 2018

Arising Out of PS.Case No. -79 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

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1. Saidur Rahman, Son of Md. Muzahar Ali, Resident of Village- Dehua,
Bairbanna, P.S.- Kochadhaman, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Serina Khatoon, Daughter of Erophan Ali, Resident of Village- Dehua,
Bairbanna, P.S.- Kochadhaman, District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 02-02-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as learned counsel for
the complainant.

The petitioner has been in custody since 18.09.2017 in
connection with Complaint Case No. C79/2016 registered for the
offences punishable under Sections 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the
petitioner is innocent, the present case been lodged against him on false
and fabricated statements. It is submitted that though the occurrence is
of 11.11.2015, the complaint case has been lodged after two months for
which no plausible explanation has been offered. It is further submitted
that neither has the victim been medically examined nor is there any
evidence to show that the complainant was subjected to such act of
rape. It is further submitted by learned counsel for the petitioner that
the whole story is concocted so as to coerce the petitioner to marry her
and he is normally residing at Mumbai.



Considering the facts and circumstances and the nature of allegation made and that the girl has not been medically examined, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Kishanganj, in connection with Complaint Case No. C79/2016.

(Anjana Mishra, J)

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