

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16845 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- KORHA District- Katihar

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MAINUL HAQUE @ MAINUL ALAM Son of Sarful Haque @ Sarful Ali
R/o Chikni Dhar Maiya, P.S.- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in Korha P. S. Case No. 325
of 2018 instituted for the offence under Section(s) 376 of the
Indian Penal Code and Section 3/4 of POCSO Act.

In the written report it is alleged that on 28.8.2018
this petitioner committed rape with sister of the informant.

Learned counsel for petitioner submits that occurrence
is said to have taken place on 28.8.2018 whereas the FIR has
been lodged on 2.9.2018.

The victim girl has been examined medically after
lodging of the case and the doctor has found no sign of rape on
her private part. The hymen was found torn and she was found
to be habitual to intercourse. The copy of the medical report is



annexed as Annexure-3 to the bail petition. The statement of victim girl is recorded U/s 164 Cr.P.C. which is annexed as Annexure-2 to the bail petition, wherein, she has levelled general and omnibus allegation against this petitioner that he has committed rape with her.

The petitioner is in custody since 19.11.2018.

Considering the aforesaid, 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 the A.D.J. 1st Cum special Judge Katihar, in connection with Korha P. S. Case No. 325 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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