

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69894 of 2018

Arising Out of PS. Case No.-445 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Md. Meraj, S/o Late Ishlam Miyan, Resident of Village-Adalpur, Ward
No.10, P.S. Motipur, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2019 Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since
04.06.2018 in a case registered for the offence punishable
under Section 376 of the Indian Penal Code.

The prosecution case as per the informant Parwati
Devi is that on 28.05.2018 at 1.00 A.M., the petitioner entered
into the room of the informant and after dragging ravished her.
The accusation was also affirmed in the statement of the
victim recorded under Section 164 of the Cr.P.C.. However,
certified copy of the evidence of the informant who was
examined as PW-1 during trial has not been provided to show
that the informant has not supported the accusation against the
petitioner and has retracted from the initial version.

It is submitted by learned counsel for the petitioner



that the petitioner has wrongly been framed in the present case. Moreover, the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below, as contained in Annexure-3 to the supplementary affidavit. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Mr. Arvind Kumar Pradhan, learned counsel for the informant submits that the petitioner was not the person who actually ravished the informant and hence, he is not opposing the prayer for bail of the petitioner.

Considering the present stand of the informant, let the above named petitioner 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 learned SDJM (West), Muzaffarpur in connection with Motipur P.S. Case No. 445 of 2018.

(Dinesh Kumar Singh, J)

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