

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71490 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- MAHILA P.S. District- Siwan

Manu Sah @ Manu Sah Turha Son of Kailash Sah Turha, Resident of Village Charma, P.S.- Rasulpur District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj
For the Opposite Party/s : Mr.Sri Anish Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-01-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is languishing in custody since 31.08.2018 in connection with Siwan (Mahila) P.S. Case No.46 of 2018 registered for the offences punishable under Section 376 of the Indian Penal Code and 4, 6 and 8 of POCSO Act.

Prosecution case as per the written report of Basanti Kumari dated 27.06.2018 is to the effect that on 27.06.2018 at about 12 A.M., the informant was alone in her house. In the meantime, the petitioner who is son-in-law of the informant entered in the house and raped her and while going back he threatened her with dire consequences. While going away, the petitioner threatened the informant of dire consequences, if she raised any alarm.



It is submitted by learned counsel for the petitioner that there is tampering of the date of occurrence in the written report. As per the written report, the occurrence took place on 27.06.2018, while FIR was registered on 30.06.2018 and the FIR reached to the Court of learned Sub Judge on 2.7.2018. The victim was medically examined on 2.7.2018 where the doctor did not find any injury or the sign of any sexual assault. Statement made in para 3 of the bail application that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that though the witness have been suggested the commission of offence though with variance.

Considering the accusation not being corroborated by medical opinion, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan (Mahila) P.S. Case No.46 of 2018.

(Dinesh Kumar Singh, J)

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