

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45883 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- MANIHARI District- Katihar

RIZWAN AHMAD Son of Sabbir Ahmad, Resident of Village - Narayanpur,
P.S.- Manihari, Dist.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 24-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Section 376 of the Indian Penal Code.

The prosecution allegation in short is that the accused
person entered into the house of the informant forcibly
committed rape on her.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 10.6.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The alleged date of occurrence
is 30.12.2018 and the case was instituted on 4.1.2019. The
delay has not been explained by the prosecution. In the medical



report, following is the finding of the doctor:

“No mark of injury on her body. No mark of injury in around her private part. Hymen old form veg loose vag swob taken and sent for path test. According to pathologists, Dr. R. Suman Spermatozoa not found. Hence I can say that she has been used for sexual inter course since some time.”

Considering the aforesaid facts and circumstances, it is directed that 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 learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 3/2019.

(Sudhir Singh, J)

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