

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47241 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- DINARA District- Rohtas

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Nagendra Sharma Son of Indradev Sharma Resident of Village - Khairahi,
P.S.- Dinara, Distt – Rohtas. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr.Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-09-2019 Heard learned senior counsel for the petitioner and

learned APP for the State.

The petitioner who is in custody since 09.09.2018 has
filed the instant application for grant of bail in connection with
Dinara P.S. Case No. 340 of 2018 (District Rohtas) registered
for the offence punishable under section 376 of the Indian Penal
Code and section 4 of the POSCO Act.

As per the allegation in the FIR, the petitioner is
alleged to have committed rape on the minor daughter of the
informant.

It is submitted by learned senior counsel for the
petitioner that the allegation as leveled in the FIR are false and
concocted. The doctor in course of investigation has estimated
the age of the informant's daughter between 18-19 years.
Learned senior counsel has further produced the certified copy
of the depositions of the witnesses examined in course of trial.



Let the same be kept on record. From perusal of the same it transpires that all the five prosecution witnesses who have been examined and which includes the brother, father who is also the informant of the case as also the victim girl, none of them have supported the prosecution case of rape having been committed. It is submitted that the petitioner is in custody since 09.09.2018.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that the petitioner is in custody since 09.09.2018 and none of the prosecution witnesses whose depositions have been produced in Court have supported the prosecution case of rape having been committed, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sasaram at Rohtas in connection with Dinara P.S. Case No. 340 of 2018 (District Rohtas)

(Partha Sarthy, J)

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