

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50905 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- PIRO District- Bhojpur

RAJGABAR @ RAJGABAR SAH @ RAJ GABBAR SAH, Male, aged
about 18 years, Son of Mangal Sah @ Mangal Shaw @ Mangal Singh,
Resident of Village- Pasaur Tola, P.S.- Piro, District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dhirendra Nath Jha, Advocate.

For the Opposite Party : Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
13.05.2019 in a case for the offence registered under Sections
341, 354(B) and 452/34 of the IPC.

The prosecution story, in brief, is that on 04.05.2019,
the informant was sleeping alongwith her mother on the roof.
Villagers Golu Kumar and Rajgabar (petitioner) pulled her by
taking her hands and closed her mouth and began to naked by
opening her Paint. Anyhow, her mother got woke-up and raised
hulla then both fled away.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The alleged occurrence is said to have taken place in the night. Source of identification has not been disclosed by the prosecution which creates doubt on the allegations made by the prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let 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 the learned C.J.M., Bhojpur, Ara, in connection with Piro P.S. Case No. 137 of 2019.

(Sudhir Singh, J)

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