

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77521 of 2019

Arising Out of PS. Case No.-416 Year-2019 Thana- SITAMARHI District- Sitamarhi

MD. SHADAB @ KALE @ SADDAM @ MD.SADDAM Son of Md. Saem
R/o village- Mahsaal Goat, Ward No. 10, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 28-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 341, 342 and 376(D)/34 of the
Indian Penal Code.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has not committed any offence. In fact, the
petitioner has not been named in the F.I.R. and his name has
been surfaced in this case merely on the basis of confession
of the co-accused, Gulam Rasaul. As a matter of fact, the
prosecution version of the F.I.R. is totally contradictory to
the statement of the victim recorded under Section 164



Cr.P.C. Moreover, no sign of rape has been found which is evident from the medical report. The petitioner is rotting in judicial custody since 28.08.2019.

Considering the facts and circumstances of the case, 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 the learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 416 of 2019.

(Arvind Srivastava, J)

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