

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54555 of 2021

Arising Out of PS. Case No.-301 Year-2021 Thana- SHERGHATI District- Gaya

Md Mizan Son Of Md Shamsuddin Resident Of Mohalla- Rahman Nagar, P.S-
Sherghati, Dist- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner seeks bail in connection with Sherghati
P.S. Case No. 301 of 2021 registered for the offence under
Section 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Prosecution case in short is that while the informant
was alone in the house with her children on 02.06.2021 at about
06.00 PM, then the petitioner came and raped her forcefully
under threat to life.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case as the
medical of the informant was done immediately on 03.06.2021



and the medical report completely negates rape. Learned counsel for the petitioner further submits that if what has been alleged in the FIR is true then definitely the informant would have resisted the petitioner while he was forcing himself on her and the petitioner at the same time must have used force to subdue her into submission, but from the injury report it also manifest that no sign of injury on the body or on the private part of the informant was found.

The learned APP opposes the bail application.

Considering the fact that the petitioner is in custody since 10.06.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the injury report completely negates rape, the petitioner, above named, is directed to be released on bail on furnishing bail bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Gaya in connection with Sherghati P.S. Case No. 301 of 2021.

(Satyavrat Verma, J)

Prakash Narayan /-

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