

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32202 of 2014

Arising Out of PS.Case No. -349 Year- 2013 Thana -MOTIHARI MUFASIL District-  
EASTCHAMPARAN(MOTIHARI)

Shyam Babu Mahto s/o Late Permeshwar Mahto r/o village - Suraha, P.S.  
Muffasil, District - East Champaran

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Akbar Ali (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA  
ORAL ORDER

3 24-12-2014 Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner seeks bail in connection with Mufassil P.S.  
Case No. 349 of 2013 registered for the offence under section 376,  
504 and 323 of the Indian Penal Code.

Allegedly, after the death of the husband of the  
informant, the petitioner used to tease her and on the alleged date  
and time of occurrence, he got opened the door and after causing  
threat, commit rape upon her and due to alarm being raised, the  
elder sister--in-law woke up and saw the occurrence.

Submission at the bar for release of the petitioner is that  
in the complaint petition, there is allegation of rape but during



investigation, the informant/complainant has made an allegation of an attempt to commit rape and similarly other witnesses have also stated that the petitioner tried to commit rape. Moreover, now the case has been compromised and compromise petition has been filed in the Court below, the certified copy of which is being filed herewith.

Learned APP after going through the case diary clearly submits that in para-5, there is further statement of the informant wherein she has stated that the petitioner attempted to commit rape. In Para- 6 also one Chhatia Devi has supported that the petitioner made an attempt to commit rape. Similar statements also reflect vide Paras 7 to 9 of the case diary.

In the facts and circumstances stated above, the petitioner Shyam Babu Mahto is directed to be released on bail on execution of bail bond of Rs. 10,000/- ( ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Mufassil P. S. Case No. 349 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive

dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Sudha/-

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