

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33677 of 2015

Arising Out of PS.Case No. -135 Year- 2015 Thana -TAJPUR District- SAMASTIPUR

Vivek Kumar, S/o Shiv Chandra Ram, Resident of Village Tara Dhamaun,
P.S. Patory, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2015 Heard the learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is languishing in jail custody since
07.05.2015 in connection with Tajpur (Halai) P.S. Case No. 135 of
2015 for offences alleged under Sections 452,376/511 of the
Indian Penal Code.

The prosecution case is that one Wakil Baitha the informant
gave his written application to the S.H.O, Halai O.P. Police
Station alleging therein that when his daughter-in-law namely,
Moni Devi aged about 20 years was sleeping in her room alone, at
about 11 P.M. the petitioner entered into her house and tried to
commit rape on her. She raised alarm. On that informant went
there and found petitioner was fleeing away, who was
apprehended after being chased with the help of the co-villagers. It

is further disclosed by the informant that during scuffling the petitioner received some minor injuries.

It has been submitted by the learned counsel for the petitioner that there was some suspicion of pre-marital relationship between the victim and the petitioner and on such suspicion a Panchayat was called, in which the petitioner was caught hold by the informant and was brutally assaulted and after that he has been implicated in the aforesaid case. It has also been submitted that entire allegations as alleged in the FIR is false and fabricated.

Under such circumstances, let the petitioner Vivek Kumar, be enlarged 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 Judicial Magistrate, 1st Class, Samastipur in Tajpur (Halai) P.S. Case No. 135 of 2015.

(Nilu Agrawal, J)

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