

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28073 of 2015

Arising out of PS.Case No. -107 Year- 2015 Thana -MANIGACHI District- DARBHANGA

Rajeshwar Mandal, Son of Late Mishri Lal Mandal @ Ram Prasad Mandal,
Resident of Village Mahthaur, P.S. Manigachhi, District Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Shri Dharmendra Jha, Advocate

For the State : Shri Surendra Prasad Singh, APP

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 22-07-2015

Heard.

The informant is the aunt of the petitioner. This appears admitted from the very first line of the written report. The allegation is that the petitioner had informed her that it was necessary to go to Manigachhi for receiving the gas cylinder and while taking the lady to Manigachhi, it was alleged that the petitioner had digressed from the route and had taken her to a lonely place so as to attempting to commit the offence of rape.

Submission is that within the admitted facts and the relationship appearing there from, it is absurd to think that such offence could be committed by the petitioner with his own aunt. The reason for false implication has been pointed out by stating that the husband of the informant had purchased a piece of land from one of the co-sharers of the petitioner and the

informant and that land was the joint ancestral family property both of the petitioner and the informant for which an objection has been filed before the Circle Officer on a petition for mutation of the land and that is the reason that the present case has been filed.

Regard being had to some of the facts admitted and pointed out to this court and also considering the background of litigation and the defence of the petitioner of being criminally pressured to relinquish his claim, I am of the view that it is desirable that the petitioner be directed to be admitted to bail either in the event of his arrest by the police or surrender before the court below on execution of a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Manigachhi P.S. Case No. 107 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Dharnidhar Jha, J.)

Sanjay/-

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