

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42626 of 2015**

Arising Out of PS.Case No. -127 Year- 2015 Thana -RAXAUL District-  
EASTCHAMPARAN(MOTIHARI)

=====

Hari Prasad son of Late Bitthal Sah resident of Mohalla - Bank Road,  
Raxaul, tenant in the house of the proprietor of the Dinesh Electronics, P.S.  
- Raxaul, District - East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
ORAL ORDER

2      08-10-2015

Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Raxaul P.S. Case No. 127 of 2015 registered under Sections  
448, 354(B) and 323 of the Indian Penal Code.

The allegation of informant is that on 15.05.2015  
when he along with his elder daughter moved from the house for  
treatment, the petitioner, who is tenant in the said house, finding  
alone his younger daughter Nitu Kumari alone, tried to commit  
rape but he did not succeed and caused injury to his daughter.

Learned counsel appearing on behalf of the  
petitioner submits that in fact, the petitioner is residing in rent in  
front of rented room of the informant and due to lying water on the  
floor, some hot talk were exchanged in between the petitioner and

daughter of the informant but the informant has lodged this case with false allegation of attempt to commit rape. In course of investigation, the I.O. has also recorded the statement of the Nitu Kumari, who supported the prosecution case only in respect of quarrelling and assault caused by this petitioner. It is also submitted that petitioner is aged about 62 years.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Raxaul, East Champaran at Motihari in connection with Raxaul P.S. Case No. 127 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Rajendra Kumar Mishra, J.)**

Shail/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|