

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50838 of 2015

Arising Out of PS.Case No. -189 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

Mukesh Sahani, S/o Ekbali Sahani, R/o village Manpurva, P.S. Madhuban,
District East Champaran, Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

3 07-12-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Madhuban P.S. Case No.189 of 2015 registered under Sections
341, 379 and 376/34 of the Indian Penal Code.

The prosecution case is that the complainant/informant,
Reema Devi, alongwith her sister-in-law, Chandni Kumari, had
gone to attend the call of nature to the place of occurrence. As
soon as both reached near the place of occurrence, the petitioner
and two others, namely, Arjun Sahani and Bharat Sahani, caught
hold of her and the co-accused, Arjun Sahani, knocked her on the
earth and the petitioner, Mukesh Sahani, gagged her mouth and

the co-accused, Arjun Sahani, forcibly committed rape on her. Thereafter, the petitioner, Mukesh Sahani, also committed rape on her. At that time, the co-accused, Bharat Sahani, pressed the mouth of Chandni.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that for the present occurrence, which is said to be taken place on 24.11.2014, the complainant/informant filed the Complaint Case No.C-880 of 2014 on 23.12.2014, i.e., after one month against the petitioner and others, who are Pattidars of the complainant/informant, in the court of the S.D.J.M., Sikarhna, East Champaran at Motihari, which was forwarded under Section 156(3) of the Cr.P.C. to the concerned police station for the institution of the case on which basis the present case was registered on 21.06.2015. In fact, there was land dispute in between the complainant/informant and the petitioner and the other co-accused and due to that reason, the complainant/informant lodged this case against them with the false allegation of committing rape on her after one month of the alleged occurrence. Later on, the complainant/informant has filed a compromise petition on 25.06.2015 in the court of S.D.J.M. Sikarhna, East Champaran at Motihari, in which she has stated that the petitioner and the co-accused are her Pattidars and on

account of grudge in between them she has filed the present case and now the matter has been settled in between them.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sikrahana at Motihari, in connection with Madhuban P.S. Case No.189 of 2015, subject to the conditions laid down under Section 438(2) Cr. P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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