

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27880 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

1. Vikash Sharma Son of Phulan Sharma Resident of Village - Patna,
Police Station - Belaon, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Opposite Party/s : Mr. Satyendra Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 16-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Bhabua Mahila
P.S. Case No. 15 of 2015 registered for the offences punishable
under Section 376 of the Indian Penal Code.

Allegedly the petitioner after entering into the house of
the informant on 05.12.2014 and again on 15.01.2015 committed
sexual assault with the victim, which she informed to her husband
but due to prestige, it was not lodged. But again the petitioner on
18.03.2015 at about 7.30. p.m. started outraging her modesty and
then she fled away and came to her house and case has been
lodged.

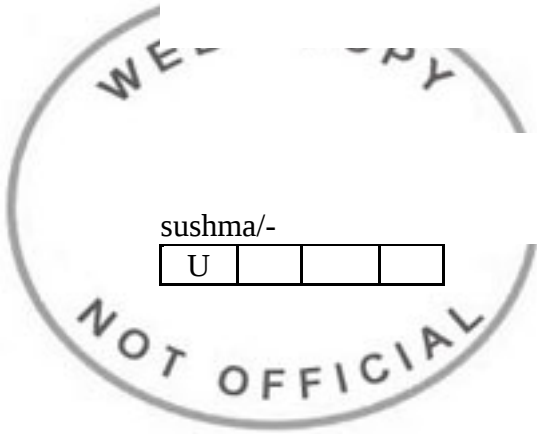
Submission of false implication due to enmity, no



witness has come forward to support the allegation. It is not believable that even after second occurrence of rape, the same will not be reported anywhere and in this false case the petitioner is suffering in custody since 21.04.2015. Medical evidence also does not support the allegation and so far pregnancy is concerned, she is living with her husband, so it is natural to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that earlier for occurrence of sexual assault, no information was lodged anywhere, though the husband was informed and further except the husband, no witness has come forward to support the allegation. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner, above named, 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, Kaimur at Bhabhua arising out of Bhabua Mahila P.S. Case No. 15 of 2015 subject to the conditions that one of the bailors must be 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)

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