

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35131 of 2015

Arising Out of PS.Case No. -39 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

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1. Santosh Sahani Son of Shivnath Sahani resident of village - Chaklali Sahi
P.S. - Taj pur, O.P. - Halai District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Rajendra Nath Jha(App)

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

ORAL ORDER

4 24-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 376/511 of the I.P.C

Allegedly, the petitioner after entering into the
courtyard of the informant made an attempt to commit rape with
Ranju Devi, the daughter-in-law of the informant.

Submission is of false implication due to previous
enmity. The petitioner is next door neighbour and the husband of
the victim had taken money from the petitioner which was being
demanded by the petitioner and as such this false case has been
instituted only with a view to grab the money. The petitioner is
married one and he is suffering in custody since 27.04.2015

having no criminal antecedent. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence. Further, there is contradiction in the written report as also in the statement of the victim.

The learned A.P.P. fairly submits that now the petitioner has been sufficiently penalized.

In the facts and circumstances as stated above, considering the period of detention and the allegation attributed against the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Samastipur in Mahila P.S. Case No. 39 of 2014, subject to the conditions that one of the bailors must be a 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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