

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28174 of 2014

Arising Out of PS.Case No. -63 Year- 2013 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

===== Mukesh Mahto @ Mukesh Kumar, Son of Rajendra Mahto @ Rajendra Prasad, Resident of Village- Dulchandpur, P.S. Rahui, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

===== **Appearance :**

For the Petitioner/s : Mr. Uday Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Pandey(APP)

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

ORAL ORDER

5 09-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehending his arrest in connection with Mahila P.S. Case No. 63 of 2013 registered for the offence under Section 354(B) of the Indian Penal Code and subsequently Sections 376, 366 of the Indian Penal Code was added seeks privilege of pre arrest bail.

On the basis of complaint petition the case has been registered with allegation that the petitioner forcibly committed rape with the complainant, but case was not instituted and then the complaint has been filed.

Submission is that as a matter of fact, this case has been lodged falsely and the complainant/informant had gone to take bath in Rajgir Kund and thereafter she forgot his path and she came at Police Station and thereafter she was

brought by her mother and her mother has given written application in this regard and at that time no such allegation of rape was levelled. Witness Dina Paswan vide para-22 supports that no rape was committed and similarly in paras-41 and 42 independent witnesses have also not supported the allegation of rape.

Learned APP fairly submits that before registering First Information Report Amrita Kumari was brought by her mother and in Police Station she has not made any complaint which was earlier version.

In the facts and circumstances as stated above, considering the contradictory statement coming and as earlier the complainant/informant has not levelled any allegation at the Police Station and as such in case of arrest or surrender before the court below within two months from the date of receipt/production of a copy of this order, the petitioner namely Mukesh Mahto @ Mukesh Kumar shall 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 learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Mahila P.S. Case No. 63 of 2013 with condition as laid down under Section 438(2) Cr.P.C.

P.K./-

(Jitendra Mohan Sharma, J)

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