

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2372 of 2015

Arising Out of PS.Case No. -228 Year- 2014 Thana -AMAUUR District- PURNIA

1. Jay Kishore Sah S/O Chandra Deo Sah Resident of vill-Bishnupur,P.S-
Amnour,Distt.-Purnia

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Kalyan Shankar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 22-06-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State and learned
counsel for the informant.

Petitioner apprehends his arrest in connection with
Amour P.S.Case No. 228 of 2014 registered for the offences
punishable under Sections 376, 341, 323 of the Indian Penal Code.

The accusation against the petitioner is that he
committed rape on informant when she had gone outside her
house to attend the call of nature.

In course of investigation, some witnesses stated that
there was illicit relation between the petitioner and informant and
when the informant's husband learnt about the above stated illicit
relation he pressurized the informant and got lodged the present

case with concocted story and as a matter of fact, at best it is a case of adultery.

Learned counsel appearing for the informant submits that the statement of informant has been recorded under section 164 of the Cr.P.C in which she, categorically, stated about the alleged occurrence but para-5, 6 and para 17 etc of the case diary reveal that when witnesses came at the house of the informant, they found the petitioner present in the courtyard of the house of the informant. Furthermore, the case diary reflects that supervising authorities found the case of adultery but later on the informant and her family members met the Superintendent of police, Purnea and after that the Superintendent of police directed the Investigating Officer to submit the charge sheet under section 376 of the Indian Penal Code.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in Amour P.S. Case No. 228 of 2014 ,

subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(Hemant Kumar Srivastava, J)

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