

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35553 of 2014

Arising Out of PS.Case No. -5 Year- 2014 Thana -ROSERA District- SAMASTIPUR

=====

1. Phoolo Mandal S/o Ganga Mandal R/o vill.- Dumra Mohan, P.S.-
Hathauri, Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi W/o Sri Bijli Paswan R/o vill. + P.O.- Karyan, P.S.- Rosera,
Distt.- Samastipur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Mushtaque Alam, Adv

For the Opposite Party/s : Mr. Ambika Bhagat (SPL.PP.)

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 01-05-2015 Heard learned counsel for the petitioner as well as

learned APP for the State.

It has been alleged by the informant/complainant that she happens to be an agent under Reliance Life Insurance and the petitioner is a senior agent. As informant is not so literate, petitioner had directed her to handover the premium amount so that he would deposit the same and the aforesaid process was going on, during course of which, on 21.10.2013 while petitioner was accompanying the informant to Samastipur at Rosera Bus Stand, he took her behind a hotel and told her to indulge in sexual activity with him. Having refused, he caught hold of her breast and tried to rape, whereupon, she raised hue and cry. Then thereafter, he abused by her caste name and threatened that he would not

deposit a single farthing. Furthermore, on arrival of witnesses, she was rescued.

Contention on behalf of petitioner is that when as per own assertion of complainant, he was engaged in depositing the amount handed over by the complainant and was giving the receipt therefor, without having presence of complainant, then what was the occasion for the complainant to accompany the petitioner on 21.10.2013. Furthermore, it has also been submitted that the date of occurrence has been shown from December 2012 to 21.10.2013 but from the averment of the complaint petition, it is evident that save and except 21.10.2013, no other date has been specified with regard to any sort of offence.

Furthermore, it has been submitted that there happens to be no application of Section-3 (i) (x) of the SC ST Act because of the fact that according to complaint petition itself, the place of occurrence happens to be behind a hotel, certainly, must have been out of public gaze as well as public place.

On the other hand, learned APP opposed the prayer.

In the aforesaid facts and circumstances of the case, petitioner, Phoolo Mandal, in the event of his arrest/surrender within four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each

to the satisfaction of ACJM, Rosera in connection with Rosera PS
Case No. 05/2014, subject to the condition as enumerated under
Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

perwez

U		T	
---	--	---	--