

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50597 of 2014

Arising Out of PS.Case No. -66 Year- 2013 Thana -BANMANKHI District- PURNIA

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Shankar Choudhary, son of Fani Lal Choudhary, resident of Village- Koshi
Saran Devottar, P.S. Banmankhi, District- Purnia

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Narendra Kumar, Advocate

For the State : Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in a case registered under
Sections 376, 511, 380 and 406 of the Indian Penal Code.

It has been submitted that, as per the allegation, the
petitioner attempted to commit rape upon the victim on
19.04.2012 at 2 p.m. It is alleged that the petitioner as well as the
husband of the informant were together working in the State of
Punjab and since the petitioner was returning from Punjab, the
husband of the informant gave Rs.5,000/- and some articles to the
petitioner to hand over to his wife. However, when he came to his
house finding the informant alone, attempted to commit rape on
her. On hulla raised by children, father-in-law and mother-in-law

came and the petitioner was allegedly apprehended by them.

It is submitted on behalf of the petitioner that it is intriguing as to why the complaint case was filed after one year of the alleged occurrence. He submits that date of occurrence is 19.04.2012 whereas the complaint case was lodged by the informant on 25.04.2013 i.e., after more than a year and the matter was sent to the police for investigation under Section 156(3) of the Cr.P.C. on 26.04.2013 by the C.J.M., Purnia. Learned counsel appearing for the State also does not have any answer to that. It is submitted on behalf of the petitioner that vague statement has been given in paragraph no.6 of the complaint petition that complainant informed her husband at Punjab and when he returned back then only they went to the police station for lodging first information report but, after refusal by the police, the victim was compelled to file the complaint case concerned. It is urged that if the complaint was ultimately going to be filed by the complainant herself then why the same could not be filed immediately and why ultimately it was filed after about one year would be relevant question which does not stand explained. Learned counsel submits that the aforesaid lacuna gives a fatal blow to the entire complaint case which appears to be an after thought for the reason that the petitioner demanded back his money

which was given by him as loan to the husband of the informant for performing marriage of his sister.

Having regard to the facts and the circumstances of the case, the petitioner, Shankar Choudhary is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Sandip Singh, Judicial Magistrate, 1st Class, Purnea in connection with Banmankhi P.S. Case No.66/13 (G.R. No.1321/2013).

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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