

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1602 of 2016

Arising Out of PS.Case No. -1990 Year- 2011 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Bhawendra Kumar @ Bablu Mahto son of Late Surya Narayan Mahto
resident of village Jawahar Nagar Daini, P.S. K.Nagar, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi wife of Akhilesh Sharma resident of village Jawahar Nagar
Daini, P.S. K.Nagar, District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 21.01.2016 Counter affidavit is filed on behalf of the opposite party
no.2 to which rejoinder is filed on behalf of the petitioner.

Heard learned counsel for the petitioner, learned Addl.
Public Prosecutor for the State as well as learned counsel for the
complainant.

Petitioner is in jail custody since 23.11.2015 in complainant
case no. 1990/2011 in which the court below has found prima facie
case true under section 376 of the Indian Penal Code.

Submission on behalf of the petitioner is that the present case
has been filed on account of political rivalry and, as a matter of fact,
much prior to filing of the present case, petitioner had given
informatory petition to the Officer In-charge, K. Nagar, police station,
Purnea apprehending that false case might have been lodged against
him. It is further pointed out on behalf of the petitioner that parties are

on litigating term since long as witnesses of the present case including husband of the complainant had filed several cases against the petitioner.

On the other hand, learned counsel appearing for the complainant vehemently opposes the prayer submitting that earlier altogether, ten cases had been lodged against the petitioner but the aforesaid fact was suppressed by the petitioner and detail of the cases has been brought on record by the complainant by filing counter affidavit.

It would appear from perusal of para 3 of the petition that detail of six criminal cases has been given by the petitioner but as per counter affidavit ten cases had been lodged against the petitioner. Reply of the aforesaid question has been given by the petitioner in his rejoinder and it has been specifically pleaded that the petitioner had already been acquitted in four cases and that was the reason, he did not mention the aforesaid four cases at para 3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Mithilesh Kumar, Judicial Magistrate, Ist Class, Purnea/ concerned court in C.A.Case no. 1990/2011.

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(Hemant Kumar Srivastava,J)

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