

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17919 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -KAJRAILI District- BHAGALPUR

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1. Niwas Yadav son of Suresh Yadav resident of village - Goura Chouki,
p.s. - Kajrail, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Dashrath Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

Petitioner is accused in connection with Sessions
Trial No. 220 of 2016 arising out of Kajraili P.S. Case No. 50 of
2015 registered under Sections 376 of the I.P.C.

The accusation is that in the night of
27/28.08.2015, the informant was sleeping in the house whereas
her husband Dhiraj Yadav was sleeping at the door. The petitioner
entered in the house and committed intercourse with her but
informant was under the impression that he was her husband but
when she woke up, she saw this petitioner committed rape upon
her and she tried to catch hold but he succeeded to flee away.

Learned counsel appearing on behalf of the petitioner

submits that in fact, husband of the informant had taken Rs. 19000/- to the petitioner but he did not pay the said amount and Panchayati was arranged and in the Panchayati, it was decided on 17.08.2014 that the husband of the informant will return the money till 20.08.2015 and due to that reason, petitioner has falsely been implicated in the present case with false allegation of committing rape. Further, submission is that petitioner, who is co-villager of the informant, has no criminal antecedent.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Bhagalpur in connection with Kajraili P.S. Case No. 50 of 2015. Out of two sureties, one surety must be parents or close relatives of the petitioner.

(Rajendra Kumar Mishra, J)

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