

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.651 of 2016

Arising Out of PS.Case No. -239 Year- 2015 Thana -SAHEBGANJ District- MUZAFFARPUR

1. Kamlesh Kumar @ Kamlesh Kumar Rai Son of Ram Srinagar Rai,
resident of Village- Morhar, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Pushpa Sinha No.2 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 08-03-2016 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner seeks bail in connection with Sahebganj P.S.
Case No. 239 of 2015 registered for the offence punishable under
Sections 376/511 of the Indian Penal Code.

Allegedly, the petitioner made an attempt to commit
rape with the daughter of the informant but was caught.

Submission is of false implication and that no such
occurrence as alleged has taken place and due to some dispute the
petitioner has been implicated, the earlier Officer-In-Charge
Sahebganj was having illicit relationship with the informant to
which the villagers objected, resulting, there was scuffle and
Officer-In-Charge, Sahebganj instituted Sahebganj P.S. Case No.
142 of 2014 against villagers including the petitioner and

thereafter, got the petitioner implicated in this false case resulting the petitioner is suffering in custody since 10.10.2015 and the witnesses vide paragraph 9, 10 and 11 of the case diary have not supported the prosecution version to which learned APP opposes by submitting that that the petitioner was apprehended by the neighbours and was handed over to Police.

In the facts and circumstances stated above, considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., West Muzaffarpur in connection with Sahebganj P.S. Case No. 239 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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