

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28617 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -NAUTAN District- SIWAN

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Bharat Singh son of Inardeo Rai @ Nardeo Rai, Resident of village-
Hathauji, Police Station- Nautan, District- Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections 341, 323, 325, 379, 427, 376, 511, 34 of the Indian Penal
Code and Section 6/8 of POCSO Act.

The accusation against the petitioner is that he made
attempt to commit rape on the informant, who claims herself to be
14 years old.

Submission on behalf of the petitioner is that, no such
occurrence as alleged in the first information report, did ever take
place and, as a matter of fact, the informant is a major girl and that
is the reason, she has not been examined medically. Moreover,
Nagendra Sah, who claims himself to be reached on the place of

occurrence at the time of so-called alleged attempt of rape, stated in his statement that the alleged occurrence took place on account of land dispute.

It is further submitted that the allegation of attempt to rape does not appear to be made out because even if prosecution story assumed to be true, then also, there is only allegation of removal of Salwar of the informant.

Petitioner is in jail custody since 14.4.2016 and the investigation against him has already been completed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner above named 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 1st Additional District Judge, Siwan in connection with Nautan P.S. Case No.27 of 2016, subject to the condition that any attempt by on behalf of the petitioner to terrorize the prosecution witnesses shall give liberty to the trial court to cancel the bail bond of the petitioner after due and proper enquiry.

(Hemant Kumar Srivastava, J)

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