

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44921 of 2015

Arising Out of PS.Case No. -193 Year- 2014 Thana -BHELDI District- SARAN

1. Vijendra Singh, S/o Late Ram Narayan Singh, resident of village-
Malahi, P.S. Bheldi, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Smt. Anuradha Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Bheldi P.S.Case No. 193/2014 registered for offences punishable
under Section 376 of the Indian Penal Code.

The prosecution case, in brief, is that the informant
and accused persons are next door neighbors and patidar and the
criminal case was going on between the parties. The complainant-
informant with his 'Gotni' Nilam Devi went to attend the nature's
call on 25.10.2014 at 7.30 P.M. towards east and during their
return, the accused started abusing them as to why they had
attended their natural call in his field and the accused tried to
catch both the ladies but her Gotni fled away but the complainant

was caught and raped. After raising alarm by her Gotni, the people nearby gathered and the accused fled away.

It has been submitted by the learned counsel for the petitioner that the complaint case has been lodged after five days of the date of occurrence and there is land dispute going on between the petitioner and the informant's side for which complaint case No. 3458/2007 has been lodged by the petitioner against the husband of the informant and others.

It has further been submitted that the petitioner has clean antecedent, as is evident from para-3 of this petition.

Learned counsel for the petitioner further contends that no independent witness has made any such allegation and all of them supported that there is a land dispute between the petitioner and the informant's side, who are patidars.

However, learned A.P.P. submits that as per para-6 of the case diary, Gotni of the informant was an eye witness but since Gotni of the informant was an interested witness, under such circumstances, let the petitioner, above named in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Shri Vivek Rai, learned

Judicial Magistrate, Saran at Chapra in connection with Bheldi P.
S. Case No. 193/2014, subject to the conditions as laid down
under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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