

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46726 of 2015

Arising Out of PS.Case No. -400 Year- 2014 Thana -BIRAUL District- DARBHANGA

Raj Kumar Mukhiya Son of Late Lalo Mukhiya, resident of village -
Baliya, P.S. - Biraul, District - Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Nilesch Kumar, Advocate

For the Opposite Party : Mr. A.Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Biraul P.S. Case No. 400 of 2014 for the offences instituted
under Sections 323, 376, 511, 341, 325, 504, 506 and 457/34 of
the Indian Penal Code.

As per prosecution case, it is alleged that petitioner
entered into her house and attempted to commit rape upon her.
The informant raised alarm and caught the petitioner and on
hearing *hulla*, other accused persons also arrived there and got
petitioner released from the custody of the informant and also
abused and assaulted the informant.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. As per the FIR, it is
alleged that the petitioner had misbehaved with the informant. The

petitioner had forcibly entered into the thatched house of the informant and the dispute between the parties was regarding the thatched house. Petitioner claims that the house in question is an ancestral property of the petitioner and the informant wanted to take the house forcibly and hence she has brought this prosecution case against this petitioner.

On behalf of the State, it has been submitted that earlier a complaint case was filed under Section 156(3) of the Cr.P.C. for institution of the FIR and the petitioner is named in the said complaint/FIR.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Biraul P.S. Case No. 400 of 2014 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Biraul at Benipur (Darbhanga), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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