

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26320 of 2016

Arising Out of PS.Case No. -91 Year- 2016 Thana -KORHA District- KATIHAR

1. Hazari Sah son of Late Swarup Sah resident of Village- Makaipur, P.S.- Korha, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Umanath Mishra

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Korha P. S. Case No. 91/2016 registered for the offence
punishable under Sections 376/511 of the Indian Penal Code.

The prosecution case as per the F.I.R. lodged on the
basis of complaint is that on the alleged date of occurrence, i.e. on
29.04.2009 at about 11.00 A.M. when the informant/victim was
cutting grass in the maize field of one Pradeep Chouhan, the
petitioner came there and tried to commit rape on her by putting
her on the ground and shutting her mouth, upon which the
informant raised alarm and on alarm witnesses working in nearby

field reached at the place of occurrence and then the petitioner fled away.

It has been submitted by the learned counsel for the petitioner that although the date of occurrence is 29.04.2009 but the complaint case was filed on 04.05.2009 after inordinate delay and no plausible explanation has been given for such delay. He further submits that after seven years, the case was sent to the police for investigation under Section 156 (3) Cr. P. C. upon which the present F.I.R. has been registered. He further submits that a Panchayat was held in presence of Mukhiya and both parties agreed to settle their personal scores and live in peace. He further submits that the petitioner has no criminal antecedent as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the complainant has named the petitioner but the victim lady was not medically examined nor her statement made under Section 164 Cr. P.C., hence opposes the prayer for bail.

Be that as it may, since the matter is compromised in the Panchyat before the Surpanch, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten

thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Korha P. S. Case No. 91/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that petitioner will remain physically present before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J)

Sudha/-

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