

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8971 of 2016

Arising Out of PS.Case No. -1022 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Lal Kishore Prasad, son of Nathu Prasad, resident of village- Karanpura,
P.S.- Manjhagarh, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Pravawati Devi, wife of Kanta Rawat, resident of village- Karnpura,
P.S.- Manjhagarh, District- Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. P.N.Pandit(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 25-04-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 323, 376 and 34 of the Indian Penal
Code.

On the basis of Complaint Case No.2500 of 2011
dated 29.10.2011, Manjhagarh P.S. Case No.209 of 2011 was
registered and after completing investigation, final form was
submitted vide Final Form No.24 of 2012 dated 15.2.2012.
Against that protest, Complaint Case No.1022 of 2012 was filed
wherein after enquiry cognizance has been taken under Section
323 of the I.P.C. against all five accused persons and also under

Section 376 I.P.C. against the petitioner. It is alleged that in the night the petitioner committed rape with the complainant and further caused injury to the mother-in-law of the complainant.

Submission is of false implication due to earlier dispute, there is no injury or medical report regarding committing the rape, all the witnesses are relative of the complainant, not even a single independent witness has been examined, there is allegation against the petitioner also that he assaulted the mother-in-law of the complainant with knife but no any injury report has been filed, the petitioner without any fault is suffering in custody since 7.1.2016 and as such he deserves sympathetic consideration to which learned A.P.P. duly assisted by learned counsel for the complainant opposes the prayer of bail by submitting that the minor son of the complainant besides husband and mother-in-law have supported the allegation.

In the facts and circumstances stated above, considering that earlier the police after completing investigation has submitted final form and as such 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 Chief Judicial Magistrate, Gopalganj in connection with Tr. No.374 of 2016 arising out of Complaint Case

No.1022 of 2012, subject to the conditions that one of the bailors must be 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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