

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20111 of 2016

Arising out of PS.Case No. -14 Year- 2016 Thana -TAJPUR District- SAMASTIPUR

Raushan Kumar @ Raushan Kumar Ray, Son of Ram Parvesh Ray, resident of Village- Vajitpur, Karnail, P.S. Tajpur (Hilai-O.P) District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Madhaw Prasad Yadaw, Advocate.

For the Opposite Party : Mr. Ajit Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 23.01.2016 in connection with Tajpur(Halai O.P.) P.S. Case No. 14 of 2016 for the offences instituted under Sections 448, 323, 307 and 376/511 of the IPC.

The prosecution story, in brief, is that on 21.01.2016 at about 11.30 P.M. while the informant was sleeping in her house, the petitioner entered into her house and started to remove her clothes over her person and trying to commit rape with her but she awoke and started to raise hulla. On hearing hulla, the children also started to cry loudly then the people of vicinity begun to gather there whereupon the petitioner fled away. It is further stated

that the petitioner has also committed misdeed earlier for which Panchayati was held, punches awarded fine, gave him with warning, but in his behaviour no change has come and she apprehends that the petitioner may commit rape with her in future any time.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence against the petitioner. The alleged occurrence is said to have taken place at 11.30 P.M. in the night. No source of identification has been disclosed by the prosecution. There is an admitted land dispute between the parties.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 learned A.C.J.M., Samastipur, in connection with Tajpur (Halai O.P.) P.S. Case No. 14 of 2016.

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(Sudhir Singh, J)