

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1962 of 2016

Arising Out of PS.Case No. -217 Year- 2014 Thana -RUPAULI District- PURNIA

1. Chandeshwari Ram Son of Late Tarni Ram, resident of Village- Anjhari,
P.S.- Rupouli, (Mohanpur), District- Purnea.

.... 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. Harendra Prasad(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner has renewed his prayer for bail is languishing in custody since 10.10.2014 in a case registered for the offences punishable under Sections 452, 376/511 of the Indian Penal Code.

The earlier bail application of the petitioner was rejected by a Co-ordinate Bench of this Court vide Cr. Misc. No. 11676 of 2015 since the said Coordinate Bench is not available due to medical exigency and the matter has been placed before this Court in view of the administrative order of Hon'ble the Acting Chief Justice dated 08.03.2016.

The prosecution case is that on 06.10.2014 at 11-12 P.M. in the night the daughter of the informant Anjum Khatoom raised alarm, when the informant entered

into her room, she saw that petitioner was ravishing her, but the petitioner escape from the scene. Subsequently, on 08.10.2014 the daughter of the informant committed suicide.

It is submitted by the learned counsel for the petitioner that for the occurrence of 06.10.2014 no information was given to the any authority and only when the victim committed suicide, the informant in order to save her own skin lodged the present case. The post-mortem of the victim reflects only ligature mark on the neck, when no spermatozoa has been found hence, the commission of rape has not been ruled out. Though, it is suggested that attempt to commit rape cannot be ruled out. Earlier the prayer for bail of the petitioner was rejected with liberty to the petitioner to renew his prayer for bail after remaining in custody for one year which reads as follows:-

“However, the petitioner may renew his prayer for bail after remaining one year in custody.”

It is further submitted that petitioner is in custody since 10.10.2014. The evidence is still not started.

Considering the fact that accusation has not been corroborated by the medical opinion, observation given by a Coordinate Bench in the earlier order, coupled with the statement made in para-3 of the petition that petitioner has no criminal antecedent, let the above named petitioner, be

released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Purnea in connection with Rupauli (Mohanpur) P.S. Case No. 217 of 2014.

(Dinesh Kumar Singh, J)

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