

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36501 of 2016

Arising Out of PS.Case No. -154 Year- 2016 Thana -BARARI District- KATIHAR

=====

Gautam Kumar, Son of Hridayanand Mehta, Resident of 26, Musahari Tola,
Village-Bavanganj, Police Station-Korha, District-Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate,

For the Opposite Party/s : Mr. Smt Pushpa Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Barari P.S. Case No. 154 of 2016, registered under Sections
307, 365, 376, 120B/34 of the Indian Penal Code.

The allegation of informant/complainant Ranjana
Devi is that on 01.01.2013, she was appointed as Cook in
Referral Hospital, Barari by Dr. B.N. Mishra, In-Charge Medical
Officer fixing her salary Rs. 2500/- per month. The petitioner on
the point of revolver started committing rape upon her between
January, 2013 to 31.03.2016. In this regard, she made complaint
to Dr. B.N. Mishra, but he did not heed on it. In the month of
February, 2015, while she was cooking food for patients,
suddenly she was caught hold and dashed. Thereafter, Pappu Sah,

sprinkle kerosene oil on her body and Bipin Sah set fire in which she sustained burn injury. Thereafter, she reported the matter to Dr. B.N. Mishra for forwarding it to the Police Station, but he did not take any heed on it also. When she moved to meet the S.P. Katihar, then Amit and Bipin paid her Rs. 17,000/- and on their advice, she was terminated from the work of Cook.

Learned counsel for the petitioner submits that, in fact, co-accused Amit Sah had taken the contract of cooking the food for patient at different Primary Health Centre, Barari in which complainant was appointed as Cook and petitioner was also doing job under the contractor Amit Sah. When the services of the complainant was terminated by contractor Amit Sah then with ulterior motive this false case has been lodged. Further submission is that it would appear from the complaint petition that this petitioner committed rape upon her since January, 2013 to 31.03.2016, but no complaint was made to the Police Station and when she was removed from the job she filed Complaint No. 722 of 2016 in the Court of Chief Judicial Magistrate, Katihar, which is the basis of the prosecution case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below

within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Katihar in connection with Barari P.S. Case No. 154 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--