

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55379 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -DHAMDHAHA District- PURNIA

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Gopal Das, Son of Upendra Das, Resident of Village- Amar Kukron, P.S.
Dhamdaha, District-Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Satya Nand Shukla

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Dhamdaha P.S. Case no. 126 of 2016, registered under Sections
376/34 of the Indian Penal Code.

The accusation is that on 09.07.2016 at about 11.30 P.M.
the informant along with her two children and mother-in-law was
sleeping in her house. At that time, her neighbours Gopal Das and
Dayanand Yadav entered in the house. At that time, Dayanand Yadav
caught hold her mouth and this petitioner started committing rape upon
her, when she made protest then her son started weeping and her
mother-in-law also awoke. Thereafter, petitioner and Dayanand Yadav
fled away from there. Since, her husband used to live in Punjab for his
livelihood, therefore, she narrated the incidence to her neighbours,
who asked her for Panchayati, but her neighbours did



not arrange any panchyati, then she lodged this case.

Learned counsel for the petitioner submits that admittedly the petitioner and the informant are next door neighbours and there was land dispute in between the petitioner and informant and neighbours were not ready to convene any panchayati due to ill behaviour of the informant and due to that reasons informant lodged this false case with false allegation of committing rape by the petitioner.

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 Judicial Magistrate, 1st Class, Purnea in connection with Dhamdaha P.S. Case No. 126 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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