

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27546 of 2016

Arising Out of PS.Case No. -276 Year- 2015 Thana -BUDDHACOLONY District- PATNA

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Arvind Sinha son of Uma Shankar Prasad Sinha, resident of Mohalla-
Pupin Gate North Mandiri, Police Station- Budha Colony, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Syed Mojibur Rahman, Advocate

For the Opposite Party : Mr. Sri Satyavarat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 20-09-2016 Heard learned counsel for the petitioner as well as learned

Additional Public Prosecutor for the State and also heard the

learned counsel appearing for the Informant.

Petitioner is in jail custody since 28.03.2016 in a case
registered under Section 376 of the IPC and Section 4 of the
POCSO Act. The case against the petitioner is that he committed
rape on informant who was working as maid servant in her house.
The written report has been witnessed by the wife of the
petitioner.

Submission on behalf of the petitioner is that the relation of
the petitioner with his wife was strained since long and petitioner
had filed Matrimonial Case No.217 of 2013 for Restitution of his
Conjugal Rights and as a matter of fact the petitioner's wife
managed the informant and got instituted this false case. It is

further submitted that the statement of the informant was recorded under Section 164 of the Cr.P.C. in which she has not made allegation of rape rather she stated only to this extent that petitioner made attempt to remove her clothes on the alleged date of occurrence.

Learned counsel appearing for the informant vehemently opposed the prayer and submitted that in course of investigation, the independent witnesses supported the occurrence. She referred para-21 of the case diary and furthermore it is also submitted on behalf of the informant that the allegation of rape has been levelled against the informant in a guarded manner in her statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances of the case as well as submission of the parties and also taking note of the fact that investigation has already been completed and chargesheet has already been submitted, let the above named petitioner 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 Ist Additional Sessions Judge, Patna in connection with Special Case No.136 of 2015 arising of Budha Colony P.S.Case No.276 of 2015.

(Hemant Kumar Srivastava, J)

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