

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25815 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -BIHIYA District- BHOJPUR

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Bali Ram Mahto Son of Ram Chandra Mahto Resident of Village- Bara Kharauni, P.S. Bihiya, District Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. Sunita Devi Wife of Anil Mahto Resident of Village- Bara Kharauni, P.S. Bihiya, District Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dr. Kamal Deo Sharma, Advocate.

For the Opposite Parties : Smt. Gulnar Begam, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-08-2016 Heard both sides.

The petitioner apprehends his arrest in Bihiya P.S. Case No. 71 of 2016 registered for the offences punishable under Sections 376 and 511 of the Indian Penal Code.

The informant firstly filed Complaint Case No. 88(C) of 2016 on the basis of which the present FIR is lodged. The informant alleged that while she was coming after attending the call of nature, the petitioner caught her and forcibly tried to commit rape with her.

It is submitted that the date and time of occurrence is 12.01.2013 at 10:00 p.m. in the night but the complaint petition was filed on 22.01.2016, after more than three years. The petitioner

is next door neighbour of the informant and there is a land dispute between the parties.

Considering the facts aforesaid and the fact that the complainant filed the complaint petition after more than three years of the occurrence and no satisfactory explanation has been given in the complaint petition, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara in Bihiya P.S. Case No. 71 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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