

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55590 of 2015

Arising Out of PS.Case No. -146 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Anjan Mian Son of Hazarat Mian @ Hajarat Ansari resident of village -
Din Dayal Nagar Kothi, P.S. Bagaha, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Binod Kumar -li(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 10-02-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 376, 380, 341, 323, 448 and 504 of the
I.P.C

Allegedly, the petitioner entered into the house of the
informant and was breaking the lock of the box and then the
informant identified him. Thereafter, the petitioner committed rape
with her and after hearing the cry Suraj Sahni, Dever of the
informant, came and then the petitioner tried to assault him with
knife and fled away by taking ornaments valued Rs. 12,000/- and
cash of Rs. 30,000/- after causing threats.



Submission is of false implication and that the informant earlier refused for internal examination and no external injury was found on her body. She stated before the doctor that she does not want internal examination and denied the allegation of rape and molestation on 27.04.2015, vide Annexure-3, but later on she was examined but the doctor has not found any sign of recent sexual intercourse, after completing investigation charge sheet has been submitted under sections 457 and 323 of the I.P.C and rest of the allegations have not been found true and as such the petitioner who is suffering in custody since 08.06.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the victim has supported the allegation in her statement recorded under section 164 Cr. P.C.

In the facts and circumstances as stated above, considering that after investigation charge sheet has been submitted only under sections 457 and 323 of the I.P.C and not under section 376 and 379 I.P.C and as such considering detention of the petitioner now he is directed to 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 3rd Additional Sessions Judge, Bagaha, District- West Champaran in S. Tr. No. 419 of 2015 arising out of Bagaha P.S. Case No. 146 of

2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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