

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25880 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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Awadhesh Manjhi @ Awadesh Kumar Manjhi Son of Late Bhakhi Manjhi,
Resident of Village- Pakari, Police Station- Barharia, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

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.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Siwan Mahila P.S. Case No. 33 of 2015 registered for the offence
punishable under Sections 323, 452, 379, 376, 511, 504 and
120/34 of the Indian Penal Code.

The prosecution case, in brief, is that initially

Complaint Case No. 274 of 2015 was filed on 06.02.2015 by the
complainant, which was registered as present First Information
Report, alleging, inter alia, that on 02.02.2015 at about 11:00 P.M.
while the complainant/ informant was sleeping along with her
children, petitioner entered into her house and tried to commit rape

upon her. It has been alleged that when she raised alarm, petitioner assaulted her with fists and slaps and fled away. In the morning when the complainant/ informant and her husband raised objection about the aforesaid act, accused persons assaulted and snatched Mangal Sutra, Ring and Payal as also Rs. 300/- from them.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and all his family members have been made accused. He further submits that both the parties are agnates and the petitioner is cousin father-in-law of the victim and the husband of the complainant/ informant has also stated that there is a long standing land dispute between them. He further submits that the witnesses have also supported the fact that there has been constant fighting between the parties with regard to the land dispute. He further submits that medical examination of the victim has not been conducted and there is no injury report and the petitioner has been falsely implicated and that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, named above, in

the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 33 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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