

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19650 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -MAHILA PS District- KATIHAR

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1. Shankar Yadav Son of Ram Awatar Yadav, Resident of Village-Madhura, P.S.- Korha, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 06-07-2017 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. case No. 07 of 2017 under Section 376, 323, 504/34 of the Indian Penal Code.

The victim made allegation that petitioner entered into her house at about 2 AM in the night and committed rape with her.

The learned counsel for the petitioner submits that the occurrence took place on 24.02.2017 but the case was lodged on 07.03.2017. The victim made her statement under Section 164 of the Cr. P. C. She disclosed altogether a different story that the petitioner came to her house and tried to outrage her modesty and when her husband came the petitioner fled away. It is submitted



that the case was lodged after two weeks of the occurrence. The written statement of the victim and her statement under Section 164 of the Cr. P. C. clearly show the falsity of the case.

Considering the facts aforesaid and the fact that the case was lodged after two weeks of the occurrence and thereafter the victim made her statement under Section 164 of the Cr. P. C. and she disclosed that it is only a case of eve teasing, the above named petitioner, in the event of his arrest or surrender before the learned 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 Sub-divisional Judicial Magistrate, Katihar in Mahila P.S. Case No. 07 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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