

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40590 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -MAHILA P.S. District- SAMASTIPUR

=====

1. Om Prakash Narayan @ Om Prakash Sah Son of Basudeo Prasad
Wrongly Mentioned in the First Information Report as Basudeo Sah, Of
Village Bharokhara, Subhash Chowk Police Station Tajpur, District
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Smt. Madhuri Lata

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Samastipur Mahila P.S. Case
No. 02 of 2017 instituted for the offence under Section-376 of the Indian
Penal Code.

It has been submitted on behalf of the petitioner that the
instant case has been filed on account of money dispute between the
informant and the petitioner. This fact has also been admitted by the
informant in a petition, filed before the court below vide Annexure-6 to the
petition wherein she has stated that the petitioner is her Bhainsur as per
village relation. On the date of occurrence, he made demand of his money
and for that, an altercation has taken place. Besides such, no any other
occurrence has taken place with her. The petitioner has enclosed the medical
report of the informant vide Annexure-5 wherein the doctor has found no sign
of any assault or rape upon her.

In the written report, it is alleged that on the date of occurrence,
the petitioner came to give injection to the informant and committed rape



with her forcibly but the doctor in the medical report has stated that it cannot be decided whether rape has been committed or not but sexual contact was established in the past.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Samastipur Mahila P.S. Case No. 02 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

