IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46530 of 2017
Arising Out of Case No. -219 Year- 2016 COMPLAINT CASE District- BHAGALPUR

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1. Anil Singhaniya @ Anil Kumar Singhania Son of Maliram Singhania (Prop) Ankit Guest House, M.P. Diwedi Road, Station Chowk, P.S. Kotwali, District Bhagalpur. .... Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Devi W/o Sri Kapildev Gupta R/o Village Pana Chhapra, P.S. Motipur, Distt. Muzaffarpur, Bihar. .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-10-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint case No. 219 of 2016 for the offence allegedly committed by the petitioner under Section 354B of the Indian Penal Code.

The complainant alleged that she was employed as cleaner in the guest house of the petitioner and when she demanded wages the petitioner called her in the evening of 22.01.2016. The complainant alleged that petitioner committed rape with her.

The learned counsel for the petitioner submits that the occurrence took place on 22.01.2016 but the complaint petition was filed on 03.02.2016. There is no satisfactory explanation in the lodging the case after more than ten days. It is further submitted that on account of dispute with regard to wages the

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complainant lodged the case. The family members of the petitioner are also residing in the same guest house. The complainant stated that she raised alarm but none of the witnesses of the vicinity came forward to support the case of the complainant. The petitioner is an elderly people aged about 60 years.

Considering the facts aforesaid and the fact that the complainant herself filed complaint petition on 03.02.2016 for the occurrence alleged to have taken place on 22.01.2016 and none of the witnesses of the vicinity came forward to support the case of complainant, the petitioner above named 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 learned Additional Chief Judicial Magistrate IX, Bhagalpur in connection with Complaint case No. 219 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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