

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56276 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -BHIMPUR District- SUPAUL

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Singheshwar Mukhiya @ Sinheshwar Mukhiya, son of Sri Vasudeo Mukhiya, Resident of Village- Jiwachhpur, Police Station- Bhimpur, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr.Mrityunjaya Kr.Gautam

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 04-12-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bhimpur P.S. Case no. 12 of 2017, registered under Sections 341, 323, 376, 511 and 504/34 of the Indian Penal Code.

The accusation is that on 27.03.2017, while informant was going to attend the call of nature in the meantime, four persons named in the F.I.R., including the petitioner, forcibly carried her folding her mouth. This petitioner pointed gun at her head and also unfolded her clothes. Thereafter, Rupesh Mukhiya torn her blouse and made attempt to commit rape by touching her breast, chick and thigh in the wheat field. On raising alarm, the nearby women of the village reached there and she was rescued.

Learned counsel for the petitioner submits that, in fact,



this case has been lodged due to land dispute and mutation, on the date of the occurrence quarrel took place between the parties, but with ulterior motive the informant has lodged the present case with false allegation of attempt of rape. While on the basis of written report of Janki Devi, sister-in-law of the petitioner, Bhimpur P.S. Case No. 13 of 2017 is also instituted under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code. Further submission is that similarly situated co-accused Rupesh Mukhiya and Dipak Mukhiya have already been allowed privilege of pre-arrest vide Criminal Miscellaneous No. 45620 of 2017 on 03.10.2017.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-II, Supaul in connection with Bhimpur P.S. Case No. 12 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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