

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51839 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -SISWAN District- SIWAN

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Dinesh Ray, Son of Sudama Ray, Resident of village - Arjanipur, Police
Station M.H. Nagar, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 03-03-2017 Heard the parties.

This application has been filed in connection with Siwan
(M.H. Nagar) Police Station Case No.11 of 2016 for the offence
under Sections 341, 323, 324, 307, 504/34 of the Indian Penal
Code.

It is submitted on behalf of the petitioner that the allegation
against him is that he cut neck of the informant by a blade but as a
matter the informant had entered inside the house of the petitioner
to commit rape upon Rajnandani Devi, who is family member of
the petitioner and in order to save his skin from the aforesaid case,
the informant has lodged this case and the petitioner is in custody
since 08.09.2016.

Heard learned A.P.P. also, who has admitted that during the
course of investigation in Para Nos. 13 and 14 of the case diary, it
has come that the informant entered inside the house of the



petitioner with ulterior motive, as such the occurrence took place, however, some other paragraphs of the case of the prosecution has been supported by the informant and other witnesses.

Having heard both sides. In view of the fact that there is a counter case against the informant with respect to attempt to commit rape upon Rajnandani Devi and the petitioner is in custody since 08.09.2016. No doubt the injury is serious in nature but that is not fatal and prior to that a case had been lodged against the informant as stated above.

Considering the aforesaid facts, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Siwan in connection with Siwan (M.H. Nagar) Police Station Case No.11 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)



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