

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51843 of 2016

Arising Out of PS.Case No. -1702 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

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Kameshwar Sharma @ Lubar Sharma, Son of late Jehal Sharma@Jehal
Mistry Resident of Village Agahra, P.S. Sono, District Jamui.

.... Petitioner

Versus

1. The State of Bihar.
2. Basanti Devi W/o Ashok Sharma R/o Vill- Agahra, P.S. Sona, Distt-
Jamui.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Indivar Kumari

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 09-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1702C of 2011, registered under Sections 376 of
the Indian Penal Code.

The accusation is that on 04.06.2010 at about 9.00 P.M.,
petitioner entered in the house of the complainant and committed rape
upon her.

Learned counsel for the petitioner submits that, in fact,
petitioner is the cousin father-in-law of the complainant and due to
land dispute the occurrence of Marpit took place regarding which Case
No. 839C of 2010 was instituted by the petitioner against the
complainant, her husband and other family members. The complainant



also filed Sono P.S. Case No. 90 of 2010 with false allegation of committing rape by this petitioner at her and the Police after investigation submitted Final Form on 21.02.2011. Thereafter, the protest petition of informant marked as Complaint Case no.1702C of 2011 in which on inquiry, petitioner has been summoned for offence under Section 376 I.P.C. The petitioner has no criminal antecedent.

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 A.C.J.M.-2nd, Jamui in connection with Complaint Case No. 1702C of 2011, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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