

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54542 of 2016

Arising Out of PS.Case No. -158 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Pankaj Kumar, S/o Phulgena Thakur, Resident of Village- Ekdandi Sonar Chowk, P.S.- Parihar, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Dilkash Praveen, D/o Md. Shamsul, Resident of Village- Khap Tola Parwaha, P.S. Parihar, District- Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Ratanakar Jha, Advocate
For the State	:	Smt. Sahin Begum, APP-134
For the O.P No-2	:	Mr. Anil Kumar Sinha, Advocate Mr. Krishna Kant Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner, learned counsel for the complainant and learned counsel representing the State.

The petitioner seeks bail in connection with Complaint Case No. C158 of 2016, registered for the offences punishable under Sections 328, 366 and 376 of the Indian Penal Code.

This case is based on complaint case wherein it is alleged that the complainant went in the clinic of the petitioner for getting treatment of pain in her waist where injection was given, resulting, she became unconscious and thereafter she found herself



at Sitamarhi and from there she was sent in white colour car and was dropped at Lalbandi road, after causing threats and further the petitioner and co-accused snatched mobile of the complainant also. However, the complainant due to fear did not state about the occurrence to any one because they threatened her not to tell the occurrence to her parents otherwise they will kill her, and thereafter they went before the police, but police advised to lodge the case in the Court and then in the Court Complaint case was lodged.

Submission is of false implication and that the complainant has been examined by the Doctor and her age has been found 19 to 21 years, medial evidence does not support the allegation of rape, pregnancy test also shows negative, only to extract the money, the instant case has been lodged. The petitioner in this false case is suffering in custody since 11.09.2016. The occurrence is alleged to be of 15.12.2015 whereas the complainant case was filed on 02.02.2016.

Learned A.P.P. duly assisted by the learned counsel for the complainant opposes the prayer of bail by submitting that the victim has supported the allegation during inquiry.

In the facts and circumstances stated above, considering the delay in lodging the complaint case and further



considering the medical report, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri P.K. Jha, Additional Chief Judicial Magistrate- VI, Sitamarhi, in connection with Complaint Case No. C158 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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