

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3465 of 2018

Arising Out of P.S.Case No. -1683 Year- 2017 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Mithun Bosak, Son of Late Binda Lal Bosak, resident of Village-
Narayanpur, P.S.- Azam Nagar (O.P. Salmari), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bimola Devi, wife of Babu Lal Bosak, resident of Village- Bagdogra,
P.S. Balrampur, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
C.A. Case No. 1683 of 2017 registered for the offences under
sections 147, 376, 511, 380, 323 and 452 of the Indian Penal
Code.

Allegation as per complaint petition is that this
petitioner attempted to commit rape on the complainant.

It has been submitted that the present case has been
lodged in retaliation as the sister of the petitioner has lodged two
cases against the complainant and her family members. The full
sister of this petitioner lodged Katihar (Mahila) P.S. Case No. 18



of 2017 on 12.4.2017 against the present complainant and her family members for offences under sections 498(A), 341, 323, 379/34 IPC and section 3/4 of the Dowry Prohibition Act. Besides the above police case, a Maintenance Case No. 129 of 2017 has been lodged against the brother of the present complainant. The present case has been lodged at the instance of the husband of the sister of the petitioner with false and frivolous allegation. The petitioner is resident of different village under different police station situating at distance of 15 Km. It is not believable that the petitioner would go in the house of the married nanad of his own sister to commit such type of crime. The complainant although has alleged that large number of villagers had assembled and intercepted the petitioner but none of them has been cited as witness to the alleged occurrence in the complaint petition. The witnesses in the complaint case are her family members of the complainant related as father, mother, husband and Debar. The petitioner has clean antecedent and so he deserves anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner in



the event of arrest or surrender before the learned court below within six weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with C.A. Case No. 1683 of 2017, subject to conditions as laid down under section 438(2) Cr.P.C.

(Sanjay Kumar, J)

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