

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33348 of 2018

Arising Out of PS.Case No. -94 Year- 2017 Thana -MAHILA
P.S District- SUPAUL

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Mahanand Thakur @ Manan Thakur, Son of Late Lakhan Thakur, Resident of Village- Mahua, Police Station- Supaul, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-07-2018 The petitioner seeks bail in connection with Supaul Mahila P.S. Case No. 94 of 2017 dated 27.06.2017 instituted for the offences under Sections 376, 354(B), 324, 307, 452 of the Indian Penal Code.

In the F.I.R, the prosecutrix has alleged that while she was sleeping in the night, some unknown person came inside her room and attempted to commit rape on her. In the process, her genitalia was injured and she started bleeding. Later, she was taken to the government hospital where she was being treated at the time of lodging of the F.I.R.

The learned counsel for the petitioner has drawn the attention of this Court to the 164 Cr.P.C statement of the victim/prosecutrix in which she has introduced an absolutely new story. In the aforesaid statement, she has stated that



when she asked about the identity of the person who had entered in her room, he disclosed his name as Raj Kumar Pandit. The aforesaid Raj Kumar Pandit, thereafter called the petitioner. The petitioner is, thereafter alleged to have caught hold of the prosecutrix when the aforesaid Raj Kumar Pandit committed rape on her. This allegation is absolutely new. That apart, it has been argued that the medical report suggests an old stitched wound over the genitalia of the prosecutrix. The reason for false implication of the petitioner is that the prosecutrix was having several disputes with aforesaid Raj Kumar Pandit and since the petitioner was friend of the aforesaid Raj Kumar Pandit, he had been helping him in his legal endeavors.

Regard being had to the aforesaid facts and taking into account that petitioner does not have any criminal antecedent, the petitioner above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Supaul in connection with Supaul Mahila P.S. Case No. 94 of 2017.

(Ashutosh Kumar, J)

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