

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31907 of 2018

Arising Out of PS.Case No. -264 Year- 2017 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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Munna Kumar Son of Shri Jiban Ram Resident of village- Tikuliya Ward
No.-13, Police Station- Chanpatia, District- west Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-06-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application has been filed for the grant of regular bail to the petitioner in connection with S.G.R Case No. 43 of 2017 arising out of Chanpatia P.S. Case No. 264 of 2017 for the offences punishable under Sections 376/511 of the Indian Penal Code and section 8 of the Protection of Children From Sexual Offences Act.

Learned counsel for the petitioner submitted that in terms of the F.I.R. the two accused namely, Bhulan Sah and this petitioner had indulged in putting down the informant pressing her neck and tearing of her cloths when she had gone to cut grass in the field, she was allegedly saved by the people present nearby when she



raised hulla. It is submitted that in course of her statement under section 164 Cr. P.C. she has not alleged any overt act and in fact it is not a case of rape. The allegations are that of attempt to commit rape but the same has not been duly substantiated in course of investigation. Learned counsel has relied upon the order dated 23.04.2018 passed in Cr. Misc. No. 22685 of 2018 (Annexure-3) whereby a Learned Co-ordinate Bench of this Court has been pleased to grant privilege of regular bail to co-accused Bhulan Sah. It is submitted that the case of the petitioner stands identical on the same footing.

Learned Additional Public Prosecutor for the State is present, he has opposed the application for bail however in course of argument he is unable to show that there is any difference in the case of this petitioner and that of the co-accused Bhulan Sah, this being the position.

Considering that the co-accused has been granted regular bail by the Co-ordinate Bench of this Court, I am in favour of maintaining the uniformity in justice and thereby direct release of the petitioner on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District



& Sessions Judge-1st-cum-Special Judge, Bettiah, District-
West Champaran, in connection with S.G.R Case No. 43 of
2017 arising out of Chanpatia P.S. Case No. 264 of 2017.

(Rajeev Ranjan Prasad, J.)

Rajeev/Rajan

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