

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4259 of 2019

Arising Out of PS. Case No.-865 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Santosh Sah @ Santosh Kumar son of Prithvi Chand Sah Resident of village-
HataChowk, Ward No. 11, P.S.- Kursa Kanta, District-Araria

... .. Petitioner/s

Versus

1. The State Of Bihar and Anr. Bihar
2. Asha Devi w/o Anil Singh, Son of Yogendra Sah Resident of Village- Asaiy,
Ward No. 14, P.O.- Kedali, P.S.- Navahata, District- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar 1
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-03-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.865C/2017 , registered for offences punishable under Sections 323, 498A, 354, 504 of the Indian Penal Code.

Allegation as per the complaint petition is that the complainant along with her husband was working in the house and shop of the petitioner and further allegation is that the petitioner had evil eyes on the complainant and he tried to have physical relationship with her and when she informed about the same to her husband he also assaulted her and some times he used to misbehave with her also and further allegation is that he



has committed rape upon her.

Submission of the learned counsel for the petitioner is that the case is false and concocted and there is delay in lodging the complaint petition against the petitioner for more than one month. Further submission is that the cognizance has not been taken under Section 376 of the IPC and as a matter of fact she committed theft in the shop and the petitioner chided her as such the present case has been lodged. There is also no medical report available on the record in support of her rape case.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Saharsa in connection with Complaint Case No.865C/2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure with condition that he will co-operate in disposal of the trial and will appear as and when required otherwise his bail bond shall



be cancelled.

With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

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