

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10625 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

Kaushal Mahton, aged about 31 years, male, Son of Late Rajendra Mahto
Resident of Village- Gauripur, P.S.- Nawkothe, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
31.10.2018 in a case registered for the offences punishable
under Section 354(B) of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case is that on 25.08.2018, the
informant Sitabiya Devi was sleeping in community hall of
Samudayik Bhawan, when the petitioner came and slept next to
the informant and attempted to ravish her. On alarm being
raised, the son and daughter-in-law of the informant came to
rescue, thereafter petitioner resorted to fire, which did not hit
anyone and he escaped from the place of occurrence.

It is submitted by learned counsel for the petitioner



that the informant as per the Panchayat Voter List, prepared in 2016, is 80 years old. It is further submitted that in fact, it is the informant took a loan amount of Rs.15,000/- from the petitioner and despite of asking for the same, the informant did not return. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation against the petitioner.

Considering the fact that for the alleged occurrence of 25.08.2018, FIR has been registered on 01.09.2018, the accusation not being corroborated by any medical opinion, as there is no reference to the same either in the FIR or in the impugned order, coupled with the fact that investigation has already been concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **JM-1st Class, Begusarai** in connection with **Nawkothi P.S. Case No.89 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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