

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12911 of 2019**

Arising Out of PS. Case No.-157 Year-2018 Thana- GAMAHAIRIYA District- Madhepura

JAI KANT SAH Son of Late Laxmi Sah R/o village- Jankinagar , Lalji
Mandal Tola, P.S- Jankinagar, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 03.12.2018 in a case registered for the offence punishable under Sections 376/511 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Sulekha Devi submitted to the Station House Officer, Gamhariya Police Station is to the effect on 13.09.2018, at about 6 to 7 P.M., the informant was returning from the market, but on the way, the father-in-law of her brother-in-law, namely Jaikant Sah, the petitioner offered her to drop her to Piprahi on his motorcycle. On his offer, the informant seated on his motorcycle, but the petitioner took her to a Bamboo orchard, tore her clothes and attempted to ravish



her. However, on alarm being raised, when the villagers came, the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of litigated relationship between the petitioner and the informant. In fact, the petitioner happens to be the father-in-law of the informant's husband's brother. It is further submitted that the petitioner is resident of Purnea district which is about 100 kilometers away from the place of alleged occurrence. At earlier point of time, daughter of the petitioner namely Nitu Kumari was abducted by the brother of the husband of the informant namely Satrudhan Kumar for which Janki Nagar P. Case No. 61 of 2017 was registered and subsequently the victim was recovered from the house of Satrudhan Kumar. Hence in order to pressurize the petitioner, the present case has been lodged. It is further submitted that for the alleged occurrence of 13.09.2018, the FIR was registered on 01.10.2018, i.e., after 17 days of alleged occurrence and there is no medical report to substantiate the accusation. 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 the



accusation is specific against the petitioner in the FIR.

Considering the unexplained delayed lodging of the case, case being lodged by the petitioner's side against the informant's side at earlier point of time in which they have been charge-sheeted, the investigation already being concluded and absence of any medical opinion to corroborate the accusation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 CJM, Purnea in connection with Gamharia P.S. Case No. 157 of 2018.

(Dinesh Kumar Singh, J)

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