

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21109 of 2019**

Arising Out of PS. Case No.-21 Year-2018 Thana- MAHILA PS District- Jamui

Sandeep Kumar Son of Sanjay Rawat, Resident of Village-Lakhanpur, P.S and District-Jamui. Petitioner.

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Pankaj Kumar Sinha, Adv.
For the Informant	:	Mr. Sanjay Kumar Sharma, Adv.
For the State	:	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 19-06-2019 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code.

Petitioner is said to have committed rape against the informant intruding into her house in the night on the point of knife.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has been falsely implicated in this case due to animosity and grudge. Medical evidence does not corroborate commission of rape against the victim. As per the prosecution case, the rape was committed inside the house of the victim, but mother-in-law and husband of the victim have stated that rape was committed on the roof of the house thus the said witnesses have changed



the place of occurrence. As per the account of the informant, mother-in-law and her husband, the petitioner was apprehended in presence of the villagers who reached there responding hulla made by the informant but none of the villagers has been examined by the I.O. Petitioner has been languishing in custody since 16.04.2018. Earlier the bail prayer of the petitioner was rejected on 20.09.2018 and up till now only one witness has been examined by the prosecution.

On the other hand, learned APP for the State and learned counsel for the informant opposed the bail petition submitting that the informant and her mother-in-law and husband have supported the occurrence and the petitioner was also apprehended at the place of occurrence by the villagers.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Jamui in connection with S.Tr. No.204 of 2018, arising out of Jamui Mahila P.S. Case No.21 of 2018.

Trivedi/-

U		T	
---	--	---	--

(Prakash Chandra Jaiswal, J)

