

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23835 of 2019

Arising Out of PS. Case No.-31 Year-2018 Thana- MAHILA PS District- Katihar

KAILASH RAVIDAS, Male, aged about 40 years, Son of Late Patwari Ravidas Resident of Village-Pachma, P.S-Korha, District-Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Reeta Devi, Female, aged about 38 years, Wife of Bechan Ravidas Resident of Village-Kheria Belal Chowk, P.S.-Korha, District-Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-04-2019 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S.
Case No.31 of 2018 registered under Section 376 of the Indian Penal Code.

The informant filed complaint petition alleging therein that on 26.03.2018, the complainant was returning to her house on the auto rickshaw of the petitioner but the petitioner finding the complainant all alone stopped the auto rickshaw by the side of the road and committed rape with the informant. On such, complaint petition was filed on 19.04.2018 for the occurrence took place on 26.03.2018. The present F.I.R. was lodged on 20.08.2018.



The learned counsel for the petitioner submits that entire allegation is false and concocted. Prior to institution of the present case, the complainant had earlier borrowed money from the petitioner and executed an agreement and for non-payment of money, the petitioner earlier filed Kodha P.S. Case No.466 of 2017. The accused persons assaulted the petitioner and snatched his money. It is further submitted that Reeta Devi, the informant was working as Asha worker but on the complaint made by the villagers that Reeta Devi was not having requisite qualification for appointment on the post of Asha Mitra, Reeta Devi was removed from service that is why the petitioner has been falsely implicated in the case.

It appears that informant earlier filed complaint on 19.04.2018 for the occurrence said to have taken place on 26.03.2018 on the basis of which present F.I.R. was lodged and it appears that prior to institution of the case, the petitioner lodged Kodha P.S. Case No.466 of 2017 against the informant, her husband and others.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released 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 S.D.J.M., Katihar in connection with Mahila P.S. Case No.31 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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