

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60479 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA P.S. District- Sheohar

RAM PRATAP KUMAR Son of Late Mahi Chand Mahto Resident of Village
- Sarsaulla Khurd, P.S.- Sheohar, Dist.- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chinta Mani Devi D/o Tej Narayan Sah, W/o Jitendra Sah @ Jitendra Kumar Resident of Village - Pokhar Bhinda, P.S.- Sahiyara, Dist.- Sitamarhi., At present residing at Village - Sarsaulla Khurd, P.S.- Sheohar, Dist.- Sheohar.

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sheohar Mahila P.S. Case No.22 of 2019, registered under Sections 376 and 307/34 of the Indian Penal Code, arising out of Complaint Case being No.C1-90 of 2019, corresponding to G.R. No.607 of 2019.

The accusation is that in the morning of 10.04.2019, the opposite party no.2 was alone at her house. All of sudden, at that time, this petitioner and Dina Nath Sah entered into her house and started to outrage her modesty. When the opposite party no.2 made protest, then this petitioner put cloth in her



mouth and both started to commit rape on her. In the meantime, the father of the opposite party no.2 Tejnarayan Sah came there, then they started to flee away. When the father of the opposite party no.2 tried to catch hold of them, then both committed “Maar-Peet” with him, due to which he sustained injury on his head, nose and other parts of the body. The father of the opposite party no.2 was treated at Sadar Hospital, Sheohar from where he was referred to Muzaffarpur Medical College for better treatment. The opposite party no.2 gave information regarding the said occurrence at Sheohar Mahila Police Station on the same day and when no action was taken, then she gave an application to the Superintendent of Police but no case was lodged, hence, she filed the present complaint case.

Submission is that, in fact, Title Suit No.07 of 2017 filed by the father of the opposite party no.2 against the defence side was dismissed against which the father of the opposite party no.2 filed Title Appeal No.22 of 2011, which is pending before the District Judge, Sheohar. Earlier, complaint case filed by the father of the opposite party no.2 against the defence side was also dismissed against which the father of the opposite party no.2 preferred Criminal Revision No.39 of 2017 but the same was also dismissed on 08.05.2019. Due to that reason, the



present complaint case, which is the basis of the present F.I.R., was lodged by the opposite party no.2 at the instance of her father. Moreover, the present complaint case was filed after six days of the alleged occurrence.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sheohar, in connection with Sheohar Mahila P.S. Case No.22 of 2019, arising out of Complaint Case No.C1-90 of 2019, corresponding to G.R. No.607 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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