

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71144 of 2019

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

DEENANATH SAH @ DEENA NATH SAH s/o L. Bhajan Sah, r/o Village
Sarsaula Khurd, Police Station Sheohar, District Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 18-12-2019 Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for the offence punishable under Sections 307, 376/34 of the Indian Penal Code.

The accusation is that in the morning of 10.04.2019, the informant was alone in her house. All of a sudden petitioner and Ram Pratap Kumar entered into her house and tried to outrage her modesty. When she made protest, petitioner and other accused committed rape upon her. In the meantime, the father of the informant Tejnarayan Sah came there, then they started to flee away and when he tried to catch hold of them, both assaulted him due to which he sustained injury on his head, nose and other parts of the body. The father of informant was treated at Sadar Hospital, Sheohar from where he was referred to



Muzaffarpur Medical College for better treatment. The informant 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, upon which FIR was instituted.

Submission is that, in fact, Title Suit No.07 of 2017 filed by the father of the informant against the defence side was dismissed against which the father of the informant filed Title Appeal No.22 of 2011, which is pending before the District Judge, Sheohar. Earlier, complaint case filed by the father of the Informant against the defence side was also dismissed against which the father of the informant 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 informant at the instance of her father. Moreover, the present complaint case was filed after six days of the alleged occurrence.

Similarly, situated co-accused person has been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 24.09.2019 in Criminal Miscellaneous No. 60479 of 2019. Petitioner has got no criminal antecedent.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sheohar Mahila P.S. Case No. 22 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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