

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70653 of 2018

Arising Out of PS. Case No.-248 Year-2018 Thana- PARBATTa District- Khagaria

Subhash Das, S/o Chalittar Das, Resident of Village-Udaypur, P.S.-Parbatta,
Distt.-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar

For the Opposite Party/s : Mr. Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
341/323/324/307/376/34 of the IPC.

The prosecution case got initiated by filling a complaint
case which came to be registered as a police case under Section
156(3) of the Cr. P.C. The prosecution case is to the effect that
on 12.03.2018 at 4.00 P.M. when the informant, Kavita Devi



along with her son, Sunny Kumar went to orchard to bring banana leaves, in the meantime, the petitioner along with co-accused came when co-accused, Rajniti Das caught her hand from behind and tried to commit rape upon her. On alarm being raised, the petitioner assaulted the informant and her son with sickle.

It is submitted by learned counsel for the petitioner that for the occurrence of 12.03.2018, the complaint was filed on 12.04.2018, which came to be registered as a police case on 12.07.2018. The accusation under Section 376 IPC has neither been levelled against the petitioner and nor medical report of the informant has been brought on record. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the delayed lodging of the case, the accusation of rape being non-specific against the petitioner, coupled with the 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds



of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.C.J.M.-1st, Khagaria**, in connection with **Parbatta P.S. Case No.248 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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