

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48384 of 2018

Arising Out of PS. Case No.-136 Year-2018 Thana- BIBHUTIPUR District- Samastipur

Ram Sevak Rai, S/o Ramsobhit Rai, Resident of Village- Kerai, P.S.-
Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 447,341,323,324 and 354B/34 of the IPC.

The prosecution case as per the written report of Anjana Kumari alias Laxmi Devi dated 17.5.2018 submitted to the SHO, Bibhutipur Police Station is to the effect that on 16.5.2018 at about 4-5 P.M. while the informant was sleeping in her house, the petitioner who is her neighbour, entered into the house and attempted to ravish her, leading to registration of Bibhutipur P.S. Case No. 136 of 2018 at 11.30 A.M.

It is submitted by learned counsel for the petitioner that for the occurrence of 16.5.2018 the written report was submitted by Ram Jinish Rai, leading to registration of Bibhutipur P.S. Case No. 135 of 2018 on 17.5.2018 against the informant, her



husband and other family members with accusation under Sections 307,323,324,325/34,341,354-A,380,447 and 448 of the IPC. It is further submitted that the accusation is not supported by any medical report and statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Mr. J.N. Thakur, learned APP, after going through the case diary, submits that though there is specific accusation against the petitioner but during investigation it transpired that due to enmity between the parties and a case being lodged by the petitioner's side, the accusation has been levelled against the petitioner.

Considering the rival submissions of the parties and the fact that since during investigation it transpired that due to enmity between the parties and a case being lodged by the petitioner's side, the accusation has been levelled, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM Ist Class, Rosera, Samastipur in connection with Bibhutipur P.S. Case No.136 of 2018 subject to the conditions laid down in Section



438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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