

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12714 of 2020

Arising Out of PS. Case No.-366 Year-2019 Thana- MANIHARI District- Katihar

ROHIT KUMAR S/o Madho Mahato R/o Village-Baiznathpur, P.S.-Manihari,
District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

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

ORAL ORDER

4 01-09-2020

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Manihari P.S. Case No. 366 of 2019, registered under Section
376 of the Indian Penal Code.

The accusation is that informant along with her
five children were sleeping in her house in the night of 11/12-
09.2019, while earthen lamp was lightening, at about 11.00
P.M. Rohit Kumar (Petitioner) entered in her house and
extinguished the lightening lamp, folded her mouth through
his Lungi and forcibly committed rape with her about two
hours. At that time, he also gave threatening to her that if she
would try to awake her children then her children will be
killed. It is alleged that after two hours, the petitioner fled



away from her house. Thereafter, her son informed to her husband Fakir Mahto, who used to reside at Punjab, then he came on 13.09.2019 due to that reasons, she lodged the case on 14.09.2019.

Learned counsel appearing for the petitioner submits that, in fact, petitioner is next door neighbour of the informant and there was dispute of spreading dirty water in the lane by the informant on which petitioner, several times, made objection for which hot talks were also exchanged on several occasions due to that reasons only to put undue pressure, the informant lodged the present case after three days of the occurrence. Further submission is that in the medical examination, no sign of rape was found. Further submission is that it is alleged in the F.I.R. that informant was sleeping along with her five children as such in that circumstance, committing of rape with her is doubtful. Further submission is that petitioner has no criminal antecedent and he is in custody since 16.10.2019 and on investigation, the Police has already submitted Chargesheet.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to 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 Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 366 of 2019.

(Rajendra Kumar Mishra, J)

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