

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 18602 of 2020

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Shri Ram @ Shri Ray, aged about 25 years, male, Son of Deosharan Rai @ Dev Sharan Ray, R/o Village-Simiyahi, Ward No. 5, P.S.-Sursand, District-Sitamarhi.

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the State : Mr. Shailendra Kumar, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02/- 14.07.2020

Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Mr. Shailendra Kumar, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Sursand P.S. Case No. 250 of 2019 instituted for the offences under Sections 376, 341, 323 and 504/34 of the Indian Penal Code.



Though the petitioner is said to have committed sexual misdemeanor against the prosecutrix, but the prosecutrix in her statement recorded under Section 164 Cr.P.C. has denied that the petitioner has raped her.

It has been submitted on behalf of the petitioner that the occurrence is said to have taken place on 02nd and 03rd of June, 2019, but the F.I.R. has been lodged on 11th of July, 2019. The explanation offered for such late lodging of the F.I.R. also does not appear to be reliable. It has further been submitted that the prosecutrix had earlier also filed a case against the petitioner *vide* Sursand P.S. Case No. 43 of 2018 in which the petitioner was acquitted after trial *vide* order dated 04th of December, 2018.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest/surrender before the Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No. 250 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J.)

Praveen-II/-

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