

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19400 of 2020

Arising Out of PS. Case No.-400 Year-2019 Thana- RAJAON District- Banka

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AMRENDRA KUMAR Son of Ram Prasad Singh Resident of Village-
Nawada Bazar, P.S.- Nawada Bazar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-06-2020 Learned Counsel for the petitioner is directed to

remove the defect, as pointed out by the Stamp Reporter, within

a period of eight weeks from today.

Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Rajoun (Nawada Bazar) Police Station Case No. 400 of 2019,

registered for the offences punishable under Sections

341/323/376/511/504/506/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First

Information Report, dated 27.09.2019, is that on the date of

occurrence, i.e. on 15.09.2019, the petitioner entered into the

room of the informant, removed her cloths and tried to commit



rape upon her. It has further been alleged that younger brother of the petitioner works in Delhi .

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to family dispute. Paragraph 9 of the bail petition mentions that there was partition between the three brothers, but the informant, who happens to be the sister-in-law (bhabhi) of the petitioner, in order to pressurize the other two brothers, has lodged this false case. He further submits that there is delay in lodging of the First Information Report inasmuch as the occurrence has allegedly taken place on 15.09.2019 and the present First Information Report has been lodged on 27.09.2019 on the basis of complaint, dated 24.09.2019, sent by the informant to the D.I.G., Bhagalpur. He further submits that procedure of Section 154 (3) Cr.P.C. has not been followed in lodging of the First Information Report as there is no statement that the local police did not accept the First Information Report of the informant. He further submits that the police, after completion of the investigation, submitted charge sheet under Section 354-B of the Indian Penal Code against the petitioner and the brother of the petitioner, Rajeev @ Raju, has not been sent up for trial by the police. He further submits that the petitioner is in judicial



custody since 10.01.2020.

After having heard learned Counsel for the parties and taking into consideration the facts that both the parties are closely related to each other and the petitioner is in judicial custody since 01.02.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajoun (Nawada Bazar) Police Station Case No. 400 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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