

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 22321 of 2020

Arising Out of Complaint Case No.-2467 Year-2016 Thana-KATIHAR District-Katihar

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Ramesh Hembram, Son of Jitendra Hembram, R/O Rahta Chhapanna (Bhukku Tola), P.S.-Falka,
District - Katihar Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari, D/O Shankar Murmu, R/O Rahta Chhapanna (Bhukku Tola), P.S. – Falka,
District – Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jay Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02 25-08-2020

Heard Mr. Sanjeev Kumar Singh, learned Advocate for the petitioner and Mr. Jay Narain Thakur, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 2467 of 2016 in which cognizance has been taken against the petitioner under Sections 354(B), 323, 452, 504 and 34 of the Indian Penal Code.

It has been urged on behalf of the petitioner that the occurrence is said to have taken place sometimes in the month of March 2015, but the report was lodged on 06.12.2016. Even though there is an allegation of rape against the petitioner, cognizance has been taken only under Section 354(B) and other Sections of the IPC. It has further been argued on behalf

that the complainant is a major



who is a neighbour of the petitioner and is also a widow. There is a malicious intent behind lodging this case against the petitioner. The mere fact that there has been a delay of several months indicates that the case is not true.

As opposed to the aforesaid contentions, learned counsel for the State has submitted that the victim was subjected to sexual intercourse on the pretext of marrying her.

Regard being had to the nature of accusation against the petitioner and the surrounding circumstances, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of this order on his furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Complaint Case No. 2467 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

However, it is made clear that the petitioner shall not cross roads with the complainant/victim and shall participate in the trial. Any reluctance of the petitioner to join the trial or to delay the disposal of the case would render his bail liable to be cancelled.

(Ashutosh Kumar, J)

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