

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30466 of 2020**

Arising Out of PS. Case No.-399 Year-2019 Thana- PUPRI District- Sitamarhi

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ASHRAF ALI @ PAPPU Son of Md. Athaur Rahman Resident of Village-
Jhajhihat, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Ms.Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha
Devi, learned A.P.P. for the State.

The petitioner in the present case is seeking regular
bail in connection with Pupri P.S. Case No. 399 of 2019
registered for the offences punishable under Sections 341, 323,
447, 376/511, 325, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is alleged to have attacked upon the informant and
assaulted on her right leg and when her daughter came to rescue
her then the petitioner misbehaved with her.

It is submitted that the petitioner is innocent and has



been falsely implicated in the present case. The informant is the bhabhi of the petitioner and husband of the informant who is the brother of the petitioner is residing in Gulf country and in his absence the informant used to enter into scuffle with him on trivial matters. It is his further submission that a case has been lodged against the informant by the petitioner also vide Pupri P.S. Case No. 400 of 2019. It is submitted that the kind of allegation levelled in the FIR does not make out a case of attempt to rape and the petitioner is in custody since 30.05.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the informant is the bhabhi of the petitioner, there is a case and counter case between the parties and it is the submission of learned counsel for the petitioner that the scuffle between the parties had taken place on some trivial matter but the allegations made in the FIR in no way makes out a prima-facie case of attempt to rape and that the petitioner has been earlier also tried to be falsely implicated by this informant by lodging two complaint cases out of which in one case no cognizance has been taken, considering the nature of relationship, the kind of allegations and the materials present



and also that the petitioner is in custody in connection with this case since 30.05.2020, there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Pupri P.S. Case No. 399 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

