

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32479 of 2020

Arising Out of PS. Case No.-360 Year-2018 Thana- BAJPATI District- Sitamarhi

Sanjay Ray, age 35 years, Gender-Male, S/o Lalbabu Ray, Resident of
Village- Son mani tola, P.s.- Bajpatti, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Virendra Kumar, Advocate.
For the Opposite Party : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 323 and 376/511/34 of the I.P.C.

The prosecution story, in brief, is that on 02.12.2018
in the night while the daughter of the informant was sleeping in
her room, the petitioner came in drunken state and tried to



establish physical relationship with her after undressing her. On hulla, the informant and her husband went in her room and caught the petitioner. The petitioner called Chhotu Rai, Krishna Kumar Rai and Lal Babu Rai. Upon which, they came armed with *Lathi, Danda, Pistol*. Lal Babu Rai showed pistol and said to leave his son (Sanjay Ray) otherwise he will kill them. Chhotu Kumar assaulted the informant when her husband came to save her, he was also assaulted by them and taken away the petitioner with him. Krishna Kumar took Rs. 30,000/- and Lal Babu Rai opened the *Saree* of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 30.06.2020. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted under Sections 341, 323, 354(B) and 504/34 of the I.P.C. As far as allegation made under Section 376 of the I.P.C. is concerned, the same is said to have been found false in course of investigation. Subsequently, an application has been filed by the informant in the learned court below where she has retracted from her earlier statement made in the F.I.R. The same is Annexure-4 to the present application.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Pupari at Sitamarhi, in connection with Bajpatti P.S. Case No.360/2018.

(Sudhir Singh, J)

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