

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14796 of 2021**

Arising Out of PS. Case No.-29 Year-2019 Thana- MAHILA P.S. District- Madhepura

KAPLESH KUMAR S/o Ashok Rishideo Resident of Village- Khara, P.O.-
Budhma, P.S.- Uda- Kihsunganj, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr Akshay Lal Pandit, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 05-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Mahila (Madhepura)
Police Station (for brevity, *PS*) Case No 29 of 2019 instituted
for the offence punishable under Sections 452, 376/511, 354B,
341, 323, 325, 379, 506/34 of Indian Penal Code.

It is alleged that the instant petitioner has attempted to
commit rape on the informant. Thereafter, an altercation
between the family members and the accused side took place.

Learned counsel for the petitioner submits that there is
no allegation in the altercation part against the petitioner of
having assaulted anyone. The allegation regarding rape is not



supported by any medical evidence. In fact, based on the altercation between the family members of the informant and the accused side, false case has been lodged on 01.06.2019 in respect of occurrence which took place on 27.05.2019. Petitioner is having no criminal antecedent and is in custody since 11.11.2019.

Learned APP has opposed the prayer for bail. However, he is not in a position to point out that the informant (victim) has been examined or that any external or internal injury has been revealed in the course of investigation.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Madhepura in connection with Mahila (Madhepura) PS Case No 29 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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