

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18385 of 2021**

Arising Out of PS. Case No.-106 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

Neeraj Kumar Son Of Harendra Ray @ Harendra Prasad Yadav Resident Of
Village-Kalitola, P.S.-Bhagwanpur Haat, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Jai Narayan Thakur

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 19-07-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Bhagwanpur Haat P.S. Case No. 106 of 2020 registered for the offence punishable under Sections 342, 324, 307, 376 and 511 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is that petitioner at the point of knife took the informant near the bush and attempted to commit rape and when she protested and made alarm then he gave a knife blow to her as a result of which



she fell down.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that after hatching the conspiracy and coming into pressure of her family members, the informant lodged false case against the petitioner after delay of more than 27 hours and the reason of delay has not been explained. He further submits that there is love affair between the petitioner and informant and when they were talking closely to each other then informant's mother saw them and got infuriated and started assaulting her daughter and during assault she assaulted by means of Hashua, which was in her hand and due to that the informant sustained injury. He also submits no offence is made out under Section 376 of the I.P.C. and as per injury report enclosed as Annexure 2, injury is simple in nature. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 11.12.2020.

Learned APP for the State opposed the bail petition.

In the facts and circumstances of the case and the fact that no offence is made out under Section 376 of the Indian Penal Code, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Bhagwanpur Haat P.S. Case No. 106 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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