

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51057 of 2021**

Arising Out of PS. Case No.-802 Year-2019 Thana- SONEPUR District- Saran

GORAKH @ SUNNY KUMAR @ PAGLA S/O GOPAL SINGH@RAM
GOPAL SINGH R/o village- Sabalpur Chai Tola, P.S.- Sonapur, District-
Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 376/34 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, while the informant was alone in the house, petitioner and other accused persons entered her house and tried to commit rape on her and on protest co-accused Jay Prakash Singh tore the blouse, knocked her down and started pulling her legs. However, on alarm raised by the informant, villagers rushed there and accused persons fled away leaving their motorcycle on the place of occurrence.

Learned counsel for the petitioner submits that the occurrence is of 8.10.2019, whereas FIR was lodged on



10.10.2019 and there is no plausible explanation of delay. There is general and omnibus allegation of attempt to commit rape against the petitioner and other accused persons and specific overt act has been alleged against co-accused Jay Prakash Singh who tore the blouse of the informant and pushed her down on the ground. Victim is married lady and she has not been examined under section 164 Cr.P.C. Petitioner has claimed clean antecedent and he is in custody since 8.4.2021.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in Sonapur Police Station Case No. 802 of 2019.

(Prabhat Kumar Singh, J)

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