

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38855 of 2020**

Arising Out of PS. Case No.-116 Year-2020 Thana- CHANDI District- Bhojpur

=====

AJAY SHARMA SON OF RAJNATH SHARMA RESIDENT OF VILLAGE-
NARBIRPUR, P.S.- CHANDI, DIST- BHOJPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chandi P.S. Case No. 116 of 2020 registered for the offences punishable under Sections 376/511 of the Indian Penal Code.

As per the prosecution story, while the informant was sleeping on roof with her daughter she felt someone's presence on her body. When she opened her eyes she saw the petitioner lying on her bed and he tried to commit rape upon her and



opened her saree. When the informant raised hulla her husband came but till then this petitioner had fled away taking advantage of the darkness.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is daily wages worker and his wages were due with the family of the informant which he used to demand. Learned counsel submits that there is no eye-witness of the alleged occurrence. It is submitted that the petitioner is in custody since 07.08.2020 having no criminal antecedent.

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, the allegation being that of taking attempt to rape, however, it is the submission of learned counsel for the petitioner that the petitioner and the victim lady are co-villagers and the dispute had taken place on account of the daily wages whereafter petitioner has been falsely implicated in this case, there is no independent witness seeing this petitioner fleeing away from the house of the informant and the only witnesses who have been brought on this point are her husband and gotni,



the submission being that no other witness has come forward to say that he heard hulla of the informant or went there to the place of occurrence on hearing the hulla at about 10 p.m., learned A.P.P. for the State accepts that there is no independent witness on this point, the petitioner has otherwise no criminal antecedent and has remained in jail in connection with this case since 07.08.2020, investigation against him is complete but the trial is not likely to take place in near future, 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., Bhohpur at Ara in connection with Chandi P.S. Case No. 116 of 2020 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

