

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.972 of 2021

Arising Out of PS. Case No.-137 Year-2019 Thana- MAHILA P.S. District- Araria

Balram Singh Son of Bindi Singh, resident of village- Tegachhia, Ward No.08, P.S.- Tarabari, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sugandha Prasad

For the Opposite Party/s : Mr. Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 01-11-2021 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

In this case, the petitioner apprehends his arrest in connection with Araria (Mahila) P.S. Case No. 137 of 2019 registered for the offence punishable under sections 376, 506/34 of the Indian Penal Code.

The informant Savitri Devi made allegation in Fardeyan that when she was sleeping in her room at about 10:30 P.M. on 27.09.2019, her *Bhaisur* (petitioner) after entering into her room, assaulted her as well as committed rape upon her. It is further alleged that the petitioner also threatened her to burn to



death. When she wanted to raise voice, he gagged her mouth by inserting cloth in her mouth.

Learned counsel for the petitioner has submitted that the independent witnesses in paragraph 50-51 of the case diary have specifically stated that there was dispute between the petitioner's wife and the informant. Learned counsel has also drawn my attention towards the rejection order of the anticipatory bail by the learned Sessions Judge, Araria and submitted that in the FIR the prosecutrix has mentioned the date of occurrence as 27th September 2019 whereas in the statement recorded under section 164 Cr. PC she has mentioned it as 29th September 2019.

From perusal of the rejection order dated 24.09.2020 passed by the learned Sessions Judge, Araria in A.B.P. No. 1029 of 2020 it appears that paragraph 50-51 of the case diary has been mentioned and it was observed that the independent witnesses have stated that due to plucking of chilly there was a dispute between the prosecutrix and the petitioner's wife.

Considering the facts and circumstance of the case, the petitioner above named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the



like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Araria (Mahila) P.S. Case No. 137 of 2019, subject to condition as laid down under section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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