

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5367 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- RAJAON District- Banka

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RUPESH SHARMA @ RUPESH KR. SHARMA Son of Late Kailash
Sharma @ Late Kailash Tanti Resident of Village - Lodiya Gopalpur, P.s.-
Rajoun, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 376, 511, 147, 452, 379, 341, 323,
427, 504 and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the
accused person outraged the modesty of the informant and tried
to commit rape upon her.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The F.I.R. has been lodged after 6 days of the alleged occurrence. The delay has not been explained. From perusal of the F.I.R., it appears that at best it is a case for offence under Section 354 IPC which is triable by Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 207 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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