

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11620 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- MAHILA P.S. District- Saharsa

Lakshman Sah S/o Late Siyacharan Sah @ Siya Sahransah R/o
Sahasrama,P.S.- Saurbazar (Patarghat O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 342, 452, 376, 511, 307, 504, 506/34 of the Indian Penal Code.

As per prosecution case, in short, it is alleged by the informant that on 14.04.2021 the accused petitioner entered her house and forcibly dragged her in a nearby wheat field. Her cloths were torn off by the petitioner and he attempted to rape her. The informant shouted for help and hearing the noise other co-accused persons and villagers came there but petitioner fled away from the spot. Informant further alleged that thereafter



other co-accused beaten her up badly with lathi, rod and injured her head. She further alleged that co-accused Lalita Devi burnt her lips with a heated sickle.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. In fact the petitioner is brother-in-law of the informant and there is admitted land dispute between the parties due to which reason the present false and fabricated F.I.R. was instituted against the petitioner. He further submits that it appears from the F.I.R. itself that the petitioner is tried to commit rape upon the informant. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 14.04.2021 but the present F.I.R. was instituted on 19.04.2021 after delay of five days without any explanation of delay. He further submits that as per allegation under Section 307 of the Indian Penal Code is concerned, it appears from the injury report that the nature of injuries are simple in nature and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saharsa Mahila P.S. Case No. 27 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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