

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19709 of 2022

Arising Out of PS. Case No.-310 Year-2020 Thana- MAHUA District- Vaishali

JAY PRAKASH RAY Son of Shree Kapil Rai @ Kapil Dev Rai Resident of
Village - Gorigama, P.s.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Binod Kumar no. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 376, 511, 323, 379/34 of the

Indian Penal Code.

As per allegation, on the alleged date and time of

occurrence, informant went out of her house for call of nature and

then cousin brother of the informant and the petitioner arrived and

allegedly started opening her cloth and then her Bhaisur and others

arrived there, the accused persons fled away from the place of

occurrence.

The main submissions advanced by the learned counsel

for the petitioner are that a land dispute is going on between the



parties and alleged occurrence does not come under the purview of section 376/511 IPC as there is no medical report in support of alleged attempt and the allegation made in the FIR comes under the purview of section 354 IPC. Further submission is that the allegation made in the FIR is completely unbelievable as petitioner, his father, uncle and others are alleged to have attempted to outrage modesty of the informant, but such type of occurrence is not possible to commit by such family members at the same time. Further submission is that petitioner has got clean antecedent and has been languishing in jail since 29.1.2022.

Learned APP has opposed the prayer for bail.

In view of above submissions, considering petitioner's custody period, in the opinion of this court, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released 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, Vaishali at Hajipur in Mahua P.S Case No. 310 of 2020.

(Shailendra Singh, J)

s.hassan/-

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

