

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29300 of 2022**

Arising Out of PS. Case No.-209 Year-2016 Thana- MADHAURAH District- Saran

Birendra Mahto @ Thutha Son Late Bishundeo Mahto R/O- Vill-Puraina,
P.S.- Marhorah, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 209 of 2016 registered for the offence
under Sections 341, 504, 376 and 511 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.01.2022.

The allegation against the petitioner is to make an
attempt to commit rape upon informant/victim.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has falsely been implicated in the



present case, as harvesting of crop was protested, in furtherance of land dispute. It is submitted that disputes and differences, which are the cause of present prosecution, now compromised between the parties. It is further submitted that victim neither examined medically nor her statement was recorded under Section 164 of the Cr.P.C. during the course of investigation creating a doubt over the entire occurrence. It is also submitted that the maximum allegation is appearing outraging the modesty, and the act of the petitioner cannot be said that it was an attempt for rape. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, Shri Jharkhandi Upadhyay, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and also considering the nature of accusation coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Marhowrah P.S. Case No. 209 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned C.J.M., Saran at Chapra/concerned court, subject to the
following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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