

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32473 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- ASARGANJ District- Munger

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Dilip Kumar S/o Randhir Singh Resident of Village- Baijalpur, P.S.- Asarganj,
District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with
Asarganj P.S. Case No.24 of 2022 registered for the offences
under Sections 376, 511, 457 and 380 of the Indian Penal Code
and Section 8 of the POCSO Act.

As per the allegation, the petitioner entered into the
house of the informant at around 11:00 P.M. in the night with an
intention to commit rape with her minor daughter but after her
daughter raised an alarm the petitioner fled away by jumping the
wall. It is further alleged that when the informant opened her



box in the next morning wherein she had kept her earnings of Rs.8000/- she found that the same was missing.

The main submissions advanced by the learned counsel Mr. Ravish Mishra for the petitioner are that the petitioner has not committed rape with the daughter of the informant as the ingredients of rape are not complete in this matter, no prior complaint was lodged by the informant with regard to the intention of the petitioner to rape the victim and the victim girl refused to undergo medical examination. Further submissions are that the allegation of theft has been found to be false as it is evident from the chargesheet and the petitioner has been languishing in jail since 20th February, 2022.

Learned APP Mr. Harendra Prasad appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the Annexures submitted by petitioner's counsel along with the petition. The petitioner has got clean antecedent and languishing in jail since 20th February 2022 and he has been chargesheeted and during the course of investigation the victim denied for her physical examination and the petitioner has taken the defence that at the relevant time of alleged occurrence there was some dispute between the petitioner and the victim's family on



account of some dues relating to purchase of footwear and in this regard a statement has been made at Paragraph No.12 of the petition. Considering these facts as well as above submissions, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, 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 concerned Court in connection with Asarganj P.S. Case No.24 of 2022.

(Shailendra Singh, J.)

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