

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51743 of 2021

Arising Out of PS. Case No.-32 Year-2019 Thana- MAHILA P.S. District- Banka

NIRANJAN DAS, Son of Genalal Das @ Gaina Das, Resident of Village -
Maniyarpur, P.S.- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Banka
(Mahila) P.S. Case No. 32 of 2019, instituted for the offences under
Sections 376, 377, 511, 354B of the Indian Penal Code.

Learned counsel submits that the petitioner is custody
since 16.06.2019 and chargesheet was submitted under Section 377
and 354 (B) of the IPC and even cognizance was taken under the
aforesaid Sections.

The learned counsel submits that earlier vide Order dated
19.03.2020 in Cr. Misc. No.86410 of 2019, the bail of the petitioner
was rejected recording that “looking to the nature of allegation, this
Court is not inclined to grant bail to the petitioner for the present
and accordingly, his prayer for bail is rejected.”.

The learned counsel submits that charges were framed on



20.11.2019 and since then not a single witnesses has turned up in the trial. The learned counsel further submits that the victim in her statement recorded under Section 164 Cr.P.C. has stated that attempt to commit rape was made by the petitioner and when she raised alarm, the villagers came accordingly, her modesty was saved. Learned counsel thus submits that at best it is a case of attempt, though the petitioner has been falsely implicated.

The learned A.P.P. vehemently opposes the bail application.

Considering the period of custody of the petitioner and the fact that charges have been framed and his earlier bail was rejected by holding that the Court is not inclined to grant bail to the petitioner for the present, as such, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka, in connection with Banka (Mahila) P.S. Case No. 32 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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