

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42004 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- PURAINI District- Madhepura

Pradip Kumar Sah S/O Nandkishore Sah Resident of village- Maruwahi Ward
No.- 01, Puraini, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Puraini P.S. Case No. 94 of 2022 registered for
the alleged offences under Sections 341, 323, 376 and 511 of the
Indian Penal Code.

As per prosecution case, the informant took his
daughter for her treatment to the petitioner who is stated to be a
quack. The petitioner took the daughter of the informant inside
on pretext of her treatment and when the informant heard the
shout of his daughter, he went inside and found that the
petitioner was trying to commit rape with his daughter.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The prosecution case is completely false and concocted and this fact is apparent from bare perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. In her statement recorded under Section 164 Cr.P.C., the victim girl has not stated about going to the shop of the petitioner with her father for her treatment rather she stated that she went there for taking medicine for her mother and thereafter she further stated that when the petitioner took her inside and tried to commit rape, she kicked him and ran away from there and after coming to her house, she narrated the incident to her father. In her statement, she has also stated about wife of the petitioner being present at the shop who went away for bringing change for the money. Learned counsel further submits that the petitioner runs a grocery shop and there arose some dispute over the payment of outstanding dues with the informant and they also assaulted him. Learned counsel further submits that in his written report, the informant has stated that he handed over the petitioner to the police just after the occurrence but from the F.I.R., it appears that information was received in the police station at 11A.M. on 15.05.2022 though date or time of occurrence has been stated to

be 3 PM on 14.05.2022. The petitioner was arrested from his house on 16.05.2022. Then the statement of the victim girl was recorded under Section 161 Cr.P.C on 08.06.2022, the date on which the statement of the victim girl was also recorded under Section 164 Cr.P.C. and considering all these facts together it is very much clear that informant has lodged a false and fabricated case against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 16.05.2022. The petitioner is having no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner that he tried to commit rape with the daughter of the informant.

Having regard to the facts and circumstances and submission made on behalf of the parties hereinabove and considering the contradictory statements of the informant and the victim girl and further considering the submission of charge sheet and also considering the period of custody along with the clean antecedent of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate

Udakishunganj, in connection with Puraini P.S. Case No. 94 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

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