

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51330 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- PARSAUNI District- Sitamarhi

Santosh Sah Son Of Mauje Sah R/O Village- Gisara, Ward No.7, P.S.-
Persauni, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma
For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 323, 341, 376, 511, 504 of the Indian Penal Code.

According to prosecution case, the complainant filed a Complaint Case No. 803 of 2020 before learned C.J.M. The complainant who is the daughter of Shivjee Sah and on 04.09.20200 she was returning with Bamboo from Bamboo clumps and finding the way a lonely place the petitioner caught her and wanted to commit misbehave and same was protested by informant then her hair was caught and she was thrown on



ground and beaten mercilessly and on cry of informant the villagers and the brother of the informant rushed and try to catch the petitioner but he escaped.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the complaint petition that the date of occurrence was 04.09.2020 and the present F.I.R. was instituted on 12.10.2020. He further submits that it appears from the F.I.R. that allegation against the petitioner is that he has tried to commit rape upon the informant. He further submits that it is admitted fact that there is land dispute between the parties and the father of the complainant and father of the accused is full brother. The petitioner is in custody since 15.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Parsauni P.S. Case No. 101 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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