

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43188 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- MORKAHI District- Khagaria

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Amit Kumar Son of Janardan Mandal Resident of Village - Marar Uttari, P.s.-
Morkahi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Ramakant Akela, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 24-11-2022 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
Morkahi P.S. Case No. 98 of 2021 registered for the offences
punishable under Sections 457 and 354(A) and subsequently
added Section 376 of the Indian Penal Code and Section 12 of
the POCSO Act.

As per the prosecution, the informant has alleged that
this petitioner tried to commit rape on the informant's minor
daughter aged about 14 years but was apprehended in the
middle of the said act by the victim's family members.



The main submissions advanced by the learned counsel Dr. Ramakant Akela for the petitioner are that an altercation took place between the children of both the parties and petitioner was brutally assaulted by the prosecution party in that occurrence regarding which Morkahi P.S. Case No. 97 of 2021 was lodged by the father of the petitioner and thereafter the instant case was lodged with a retaliation as well as to save from the petitioner's case and the FIR of the present matter was lodged on 10.08.2021 while the alleged occurrence is stated to have taken place on 06.08.2021 and the petitioner has been languishing in jail since 31.01.2022.

Learned APP Mr. Shyameshwar Dayal appearing for the State has opposed the bail prayer.

In view of above submissions and mainly taking into account the fact that as per the statement made in paragraph No. 8 of the petition the instant case was lodged after the institution of the petitioner's case bearing Morkahi P.S. Case No. 97 of 2022 and as per the petitioner's plea the prosecution party badly assaulted the petitioner regarding which the said P.S. case Morkahi was lodged and there is a serious contradiction in between the facts of the FIR and the statement of the victim recorded under Section 164 Cr.P.C. discussed in the order



impugned, 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 Morkahi P.S. Case No. 98 of 2021.

(Shailendra Singh, J.)

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