

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56643 of 2021

Arising Out of PS. Case No.-511 Year-2021 Thana- BIHAR District- Nalanda

Sanjeev Kumar, Son of Sri Ashok Yadav, Resident of Village- Kashochak
Nakatpura, P.S.- Bihar and District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Madhuri Kumari, Advocate
For the State	:	Dr.Mrityunjaya Kr.Gautam, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 08-08-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar Sharif P.S. Case No. 511 of 2021, registered for the alleged offences under Sections 376, 511 and 323/34 of the Indian Penal Code.

As per the prosecution case, the petitioner is stated to be the younger brother-in-law of the informant who made an attempt to commit rape upon her and also assaulted her.

Learned counsel for the petitioner submits that the petitioner is innocent and no such occurrence as alleged has



taken place. The informant is not the wife of the elder brother of this petitioner. In the written report, no witness was cited, but later on, an outsider has been named as a witness, who lives at a distance of about 1.5 K.M from the alleged place of occurrence. The petitioner has been living in Patna and he is a student and just passed the intermediate examination and he rarely comes to his native place since he has been preparing for entrance test for admission in engineering course. There is no documentary evidence for showing that the informant is the wife of the elder brother of the petitioner. Learned counsel further submits that from the affidavit, counter affidavit and rejoinder filed on behalf of the parties, it is apparent that there is dispute over marriage of the informant with the elder brother of the petitioner and for this reason, in order to pressurize the elder brother of the petitioner, this false case has been lodged against this petitioner. The charge sheet has been submitted in this case and the petitioner is in custody since 05.08.2021 and is having clean antecedent.

Learned APP as well as learned counsel for the informant opposes the prayer for bail submitting that the petitioner made an attempt of rape on the informant.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the dispute over marriage of the informant with the



elder brother of the petitioner and likelihood of false implication and also considering the submission of charge sheet and the period of custody of the petitioner, he 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Biharsharif P.S. Case No. 511 of 2021, 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 the 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

