

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49421 of 2022

Arising Out of PS. Case No.-333 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Rajesh Mishra S/o Mohan Mishra R/o village- Bakhar Chandiha, P.S.-
Purnahiya, Distt.- Sheohar, Present Address- Kishori Nagar, P.S.- Dumra,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar

For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 376 of the
Indian Penal Code.

As per the prosecution case, while the complainant
was returning her home, the accused persons including
petitioner stopped her and took her to a place and tried to
commit rape with her.

It is submitted that due to land dispute between the
parties this false case has been filed. There is no medical report
to support the prosecution case as alleged in the complaint
petition. Even if assuming that allegation made in the complaint



petition to be true, at best it is a case for an offence under Section 354 of the Indian Penal Code. One of the similarly situated co-accused has been granted bail by this Court vide order dated 18.12.2019 passed in Cr. Misc. No. 81975 of 2019. Petitioner claims clean antecedent.

Counsel for complainant opposed the prayer for bail.

Considering the facts aforesaid and the fact that land dispute is going on between the parties, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Additional Chief Judicial Magistrate Ist, Sitamarhi in connection with Complaint Case No. 333 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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