

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71769 of 2021**

Arising Out of PS. Case No.-209 Year-2021 Thana- NADI P.S. District- Patna

Sanjiv Kumar @ Munmun Son of Dhanodar Das @ Dhanautar Das @
Dhamodar Das Resident of Village - Shyamchand Rampur, P.S.- Raghapur,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 28-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nadi P.S.
Case No. 209 of 2021 instituted for the offences under Sections
341, 323, 376 and 511 of the Indian Penal Code read with Section
37(b) (c) of the Excise Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.07.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that she is a nurse in a nursing home and while
she was sleeping in the night, the petitioner knocked the door and
when she opened the door, the petitioner, in an inebriated
condition, pounced on her and tried to commit rape but informant
was saved when she raised alarm.



Learned counsel for the petitioner submits that allegation is only of attempt, no such occurrence took place and F.I.R. does not disclose who were the staff who saved her. Further it is submitted that the informant in the F.I.R. has alleged that either the petitioner was a staff or the owner of the nursing home, that in itself shows that the informant was not knowing who the petitioner was and as far as allegation of drinking is concerned, the same has been alleged only to give a serious colour to the case that the petitioner in a drunken state tried to outrage the modesty of the informant.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 30.07.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions of the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court, Patna in connection with Nadi P.S. Case No. 209 of 2021.

(Satyavrat Verma, J)

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