

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2292 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- KATORIYA District- Banka

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TARKESHWAR RAI @ TARKESHWAR RAY @ TARKESHWAR ROY
Son of Lalmohan Rai @ Lalmohan Ray @ Lalmohan Roy R/V-
Mochanavaran, P.S- Katoriya, dist-Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aheliya Devi Wife of Umesh Rai R/V- Mochanavaran PS- Katoriya, Dist-Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mrs. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 323, 354(B) and 34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, the petitioner entered into the house of the informant and attempted to commit rape but he was not succeeded due to raising hulla by her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the occurrence took place on



19.03.2022 whereas the complaint to this effect has been filed on 10.05.2022 without explaining plausible reason for such inordinate delay which creates serious doubt about the prosecution case. He submits that the petitioner had taken loan of Rs.40,000/- from the petitioner to solemnize the marriage of her daughter and when the petitioner asked her to return the same, she lodged the instant case against him. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Katoriya P.S. Case No.315 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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