

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49916 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- BABUBARHI District- Madhubani

JEEVAN SHARMA Son of Ramesh Sharma Resident of village - Tirhuta, P.S.
- Babubarhi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha
For the State	:	Mr. Raj Kishor Singh
For the Informant/s	:	Mr. Gagan Deo Yadav, Ravi Prakash

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code.

3. As per prosecution case, the petitioner is alleged to have committed rape with the informant while she went to attend the nature's call.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. It is further submitted vide para 10 of the petition that no medical evidence of sexual assault found at the time of medical



examination and in support of this Annexure-2 has been annexed with the petition. The entire prosecution is false and fabricated. The victim is a married lady who blessed with three children. It is also submitted that good sense has been prevailed between the parties, this fact also admitted by learned counsel for the informant. The petitioner has got no criminal antecedent and languishing in judicial custody since 9.4.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Babubarhi P.S. Case No. 54 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IIInd, Madhubani.

(Sunil Kumar Panwar, J)

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