

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51887 of 2022

Arising Out of PS. Case No.-482 Year-2022 Thana- PHULWARISHARIF District- Patna

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SOURABH @ RAJU KUMAR SON OF SURESH RAI R/O VILLAGE-
UFARPURA, DHANAUT, P.S.- PHULWARI SHARIF, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 20-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State through

video conferencing.

The petitioner apprehends his arrest in connection with

Phulwari Sharif P.S. Case No. 482 of 2022, registered for the

offences punishable under Sections 376, 341, 323 and 504/34 of

the Indian Penal Code.

As per allegation, the informant was tenant in the

house of the father of the petitioner. In absence of his husband,

the petitioner entered into her house and committed rape upon



her at the point of knife. He also assaulted her husband. Thereafter, she went to her *maika* for her treatment and also to save her life and when she became well, she filed the case.

The learned counsel for the petitioner has submitted that it is admitted fact that the informant is tenant of the petitioner. As a matter of fact, the husband of the informant had taken loan of Rs. 50,000/- from father of the petitioner and when he demanded, she along with her husband fled away to her *maika*. The father of the petitioner went to her *maika* for realization of that amount and a false case has been lodged after thirteen days of the alleged occurrence. He has submitted further that the informant, in writing, refused for her medical examination.

The FIR has lodged after thirteen days of the occurrence. The informant refused for medical treatment in writing, which is annexure-2.

Considering the above-mentioned facts and circumstances, the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Patna in



connection with Phulwari Sharif P.S. Case No. 482 of 2022,
subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the
petitioner within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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