

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57085 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- HATHAURI District- Muzaffarpur

JITU SAHANI S/o Kishori Sahani R/o vill - Simari Basant, P.S. - Hathauri,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023

Heard the parties.

The petitioner is in judicial custody in connection with B.P. No. 808 of 2023 arising out of Hathauri P.S. Case No. 160 of 2022 for the offence punishable under Sections 341, 323, 354(B), 448, 452, 504 and 506/34 and 376(D) of the Indian Penal Code lodged on 7.6.2022 by the informant, Sudha Kumari.

As per the prosecution story, the informant has alleged that she was sleeping in her house when Jitu Sahani and Dilip Sahani entered. Jitu Sahana caught her while Dilip Sahani put clothe in her mouth and Jitu Sahani tried to outrage her modesty and when she raised alarm, both of them escaped. Further allegation is that she was also assaulted.

Learned counsel for the petitioner submits that due to



village enmity, he has been implicated, has nothing to do with alleged occurrence, even going by the allegation, she has claimed outraging her modesty. In the medical report, no sign of rape has been found which gets falsified by her own statement. He has already suffered by being in custody since 4.5.2023 (para-9 of the petition).

Learned APP opposes the prayer stating that there was no occasion for him to trespass the house of the informant.

Taking into account the submission put forward by the learned counsel for the petitioner, do not have criminal antecedent, is in custody since 4.5.2023, charge-sheet submitted will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, -1st Class, East Muzaffarpur, Court No.10, Muzaffarpur, in connection with B.P. No. 808 of 2023 arising out of Hathauri P.S. Case No. 160 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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