

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57595 of 2023

Arising Out of PS. Case No.-151 Year-2021 Thana- MAHILA P.S. District- Patna

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Pankaj Kumar Rai @ Hudda S/O Late Surendra Kumar Sharma R/O Flat No. 303, Block- E, Ramdeo Kunj Apartment Anandpuri Boring Road, P.S- Sri Krishnapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-09-2023 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 sections 307, 354, 376, 447, 451, 506, 509 of the Indian Penal Code.

3. As per prosecution case, the petitioner is alleged to have misbehaved and committed sexual assault with the informant while her husband went outside from house. When the same was opposed, the petitioner started assaulting the informant and his minor child. Accordingly, the complaint case was lodged.

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 some petty dispute between the parties. From perusal of FIR as well as case diary, the alleged occurrence took place on 31.7.2021 whereas the present FIR was registered on 22.12.2021 without explaining such a long delay. Prior to lodging the FIR, the informant filed an application before Mahila P.S. as well as S.S.P. Patna but no such application has been made part of it, which creates doubt upon the prosecution. The medical report of the informant vide para-72 of the case diary, has not supported the prosecution wherein, no physical & pathological sign of sexual assault are found. As a matter of fact that on the alleged date of occurrence, a scuffle took place between the informant and petitioner, due to which the informant lodged the present case with false & malicious allegation. The victim is a major and married lady. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 28.3.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted the victim/informant was sexually assaulted by the petitioner when she along with her minor child was at her flat.



6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 151 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna.

(Sunil Kumar Panwar, J)

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