

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11722 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- RIGA District- Sitamarhi

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Budhan Sah S/O GANGPAT SAH VILLAGE- PANAPUR, WARD NO.14,
PS. RIGA, DIST. SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Ram Anurag Singh

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

ORAL ORDER

4 07-10-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Riga P.S. Case No. 307 of 2023, registered for the offences punishable under Sections 342, 323, 509, 354, 354(B) of the IPC.

3. The victim is the informant of this case. She is deaf and dumb. As per her *fardbeyan*, the petitioner entered into her house and dashed her physically disabled husband. Thereafter, the petitioner attempted to commit misdeed with her, after gagging her mouth with clothes. On making hue and cry, he fled away.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. He has submitted further that the charges have been framed only under Section 354(B) of the IPC. No charge under Section 376/511 of the IPC has been framed. It has also been submitted that the witnesses examined up-till now, have not supported the allegation of attempt of rape and the petitioner is under custody since 02.08.2023.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the allegation of attempt to rape is there in the FIR itself. He has submitted further that due to non-availability of interpreter/special educator, the victim, who is deaf and dumb lady, could not be examined during trial. The offence against the petitioner is heinous in nature as it was committed with a disabled woman.

6. The informant has still not been examined due to non-availability of interpreter/special educator and as per submission of the learned counsel for the informant, an application has already been filed in the trial court to provide special educator, enabling the victim to render her deposition.

7. Considering the above-mentioned facts and circumstances, the petition is disposed of with the observation



that the petitioner may renew his prayer for bail in the court below itself after examination of the victim or after three months from today whichever is earlier.

(Nawneet Kumar Pandey, J)

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