

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15045 of 2024

Arising Out of PS. Case No.-613 Year-2023 Thana- DHAKA District- East Champaran

Navneet Pandey @ Navneet Kumar Son of Radhakant Pandey Resident of
Village- Patahi, Ward No. 5, P.S.- Patahi, District- East Champaran at present
R/o Village- Bisarahiya, P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Dhaka

P.S. Case No. 613 of 2023, registered for the offences

punishable under Sections 376, 511, 447, 506,

120(B)/34 of the Indian Penal Code.
3. The allegation against above named

petitioner is to made an attempt to commit rape upon

the informant, while she was alone in her home.



4. Learned counsel appearing on behalf of the petitioner submitted that out of local disputes and differences, petitioner falsely implicated with present case. It is submitted that informant is major and aged about 19 years, whereas, the petitioner is a college going student, aged about 18 years. It is further pointed out by learned counsel that as per case of FIR, assault was alleged to be caused by knife but the injury upon medical examination, found abrasion, which appears non corroborating with nature of weapons, as alleged to inflict injury, *prima facie* doubting the version of informant. It is submitted that informant may receive injuries over her face during course of scuffling and moreover, she herself refused to join medical examination.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as nature of injury not appears *prima facie* corroborating with nature of weapon as alleged to



inflict said injury during the course of occurrence, where informant refused to join medical test, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahana at Chaka, East Champaran/concerned Court, where the case is pending in connection with Dhaka P.S. Case No. 613 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall not interact with informant/family members and other witnesses during the trial in any manner or to



influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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