

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27208 of 2024

Arising Out of PS. Case No.-251 Year-2013 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Mithu Sah @ Mitthu Sah @ Mitthu Khatik, S/O Late Asarfi Sah, resident of
village- Tikuliya P.S- Semara Distt.- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Rinku Devi, W/O Mithu Sah @ Mitthu Sah @ Mitthu Khatik, D/O Dhanesh Khatik R/O Vill. - Nautanwa Harwa Toli, P.S - Semra, Distt. - West Champaran

... .. Opposite Parties

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Appearance :

For the Petitioner : Ms. Prerna Anand, Advocate
For the Opposite Party : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and

learned counsel for the State.

2. In this case, the petitioner is seeking

anticipatory bail in connection with Complaint Case No. 251 of
2013 (Tr. No.1339 of 2023) registered for the offence
punishable under section 376 of the Indian Penal Code.

3. The petitioner is said to have committed rape

upon the complainant.

4. In the present case, though the cognizance

was taken on 05.12.2015 but the summon has been issued for
the first time on 20.01.2020.



5. It is a complaint case and from the record it appears that the case has been kept pending since 2015, this makes the prosecution case doubtful as the complainant and the petitioner is co-villagers.

6. Considering the aforesaid, this bail application is allowed.

7. Let the above-named petitioner, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the A.C.J.M. 3rd Bagaha, West Champaran, in connection with Complaint Case No.251 of 2013 (Tr. No.1339 of 2023), subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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