

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43142 of 2024**

Arising Out of PS. Case No.-715 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Mithun Sahni @ Mithun Sahani son of Jabun Sahni @ Jagun Sahani Village-
Kursela Basti Pacchimtola Ps- Kursela Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Sabita Devi wife of Late Chandan Sahni Village- Kursela Basti
Pacchimtola Ps- Kursela Dist- katihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar , APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 23-08-2024 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends regular bail in a case

registered for the offence punishable under section 376 of the

IPC .

3. As per prosecution case , petitioner is alleged to

have committed sexual assault with the complainant.

4. It is submitted by learned counsel for the petitioner

no such occurrence as alleged as ever took place . F.I.R., has

been lodged after the delay of twelve days for which there is no

plausible explanation which itself creates doubt over the entire

prosecution case . He further submits that without any medical



document in support of the allegations this petitioner has been made accused in this case . Petitioner claims clean antecedent. Petitioner is in custody since 29.04.2024 .

5 . Learned counsel for the State opposed the bail application and submitted that there is direct and specific allegation against this petitioner is that he forcibly entered into the house of complainant and committed sexual assault with her.

6. Considering the nature of accusation and gravity of offence , prayer for regular bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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