

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78567 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- BANKA District- Banka

Priytam Kumar Sharma @ Chhotu Sharma Son Of Umesh Sharma Resident
Of Village- Maheshadih, Police Station And District- Banka

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-02-2024 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 section 376 of the
Indian Penal Code.

3. As per FIR, the informant alleged that the
petitioner entered in her house and forcibly committed rape
upon her.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. Both parties are next door neighbour
and due to previous land dispute he has falsely been implicated
in this present case. The victim is a wedded lady and she has
three children. The Medical Report, annexed with Case Diary



also not corroborates the prosecution version. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 01.07.2023.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of Bail and submitted that the statement of the victim recorded under Section 164 of the Cr.P.C., is annexed with Case Diary, in which she has supported the prosecution version .

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be released on bail in connection with Banka P.S. Case No. 444 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka.

(Sunil Kumar Panwar, J)

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