

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83957 of 2023

Arising Out of PS. Case No.-284 Year-2023 Thana- AAJAM NAGAR District- Katihar

Shappu Singh @ Sajju Singh, aged about 28 years (Gender-M), Son of
Ramesh Singh, R/O Village- Damaipur, P.S.- Azamnagar, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Bimal Kumar, Advocate
For the Informant	:	Mrs. Usha Kumari Singh and Sunidhi Vimal, Advocates
For the State	:	Mr. Ram Priya Sharan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 30-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in Azamnagar P.S.
Case No. 284 of 2023 dated 07.08.2023 registered for the
offences punishable under Sections 376 and 307 of the I.P.C.

3. As per the prosecution case, the informant went to
her aunt's (Mausi's) house and suddenly the petitioner came out
from his Murhi and Chhura Mill and tried to commit rape by
pressing her neck. When she raised alarm, he entered his finger
in her private part to which blood started oozing out and when
villagers assembled there he fled away from there.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the occurrence took place on 06.08.2023 at 8.00 A.M. as to when the F.I.R. has been lodged on 07.08.2023 at 1.00 P.M. for which no explanation in delay of lodging of the F.I.R. has been given by the prosecution and also it creates doubt about the prosecution case. It is further submitted that the present case has not come under the ambit of Sections 376 or 307 of the I.P.C. because there is only allegation of attempt to commit rape. It is further submitted that from perusal of the statement of the victim recorded under Section 164 Cr.P.C., which is available in paragraph no. 34 of the case diary, it appears that one year ago, the husband of the victim went to Assam for his livelihood and since then no talk was made between them hence, the victim started residing at her maik with her mother and since then she was working in the Chhura Mill of the petitioner and also she was in love with the petitioner. Earlier also, the victim had already established physical relationship with the petitioner on her own will. On the alleged date of occurrence i.e., 06.08.2023, when the victim and the petitioner were establishing physical relationship, the petitioner entered his finger in the private part of the victim for which blood started oozing out then due to fear the petitioner



fled away and out of anger, the victim has lodged the present case. She was brought to Katihar for her medical examination but she herself refused for her medical examination before the doctor. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 08.08.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 284 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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