

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47678 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Sheikh Raunak, son of Sheikh Badrul Hassan, resident of village Belwa,
P.S. Sathi, District West Champran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant, who has
suo motu appeared.

The petitioner apprehends arrest in Sathi P.S. Case
No. 175 of 2015 dated 22.08.2015 instituted under Sections
341/323/376/511/504/506 of the Indian Penal Code.

The allegation against the petitioner is of attempt to
rape.

Learned counsel for the petitioner submits that the
parties are neighbours and there is dispute with regard to '*sahan*'



land due to which repeatedly the informant has been filing one case after the other in the past also including one under Section 376 of the Indian Penal Code. It is further submitted that from the reading of the FIR itself it would be apparent that the allegation is unbelievable since in the initial part it has been stated that the petitioner along with his two younger brothers had come to the house of the informant and upon beating her had also tried to outrage her modesty and because of her raising hue and cry they had run away. It is submitted that the same clearly indicates that the present case is false since it cannot be believed that three full brothers, especially the petitioner along with his two younger brothers would come and all three of them would try to outrage the modesty of a woman at the same time in the presence of each other. Learned counsel submits that the petitioner is aged more than 50 years and has a family of his own and in this background also it cannot be believed that he would attempt such offence and that too in the house of his neighbour. Learned counsel submits that as per the allegation the petitioner is alleged only to have attempted rape which would also indicate that on the one hand the prosecutrix wants to defame the petitioner and on the other hand she wants to keep her prestige intact by not alleging actual rape.

Learned A.P.P. and learned counsel for the informant

oppose the prayer for anticipatory bail and submit that the petitioner did try to commit rape on the informant and thus does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Bettiah, West Champaran in Sathi P.S. Case No. 175 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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