

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41974 of 2014

Arising Out of PS.Case No. -5 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

1. Upendra Ray @ Upendra Rai S/o Late Shivdhari Rai Resident of Village-
Belsandi Tara, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kalavati Devi

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh
For the Opposite Party/s : Mr. Dinesh Singh(App)
For the Complainant : Mr. Jagdhar Pd, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-04-2015 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner is apprehending arrest in a complaint case filed with accusations under sections 323,504,354,376/511 and 34 of the Indian Penal Code.

It is alleged that the petitioner and other co accused entered into the house of the complainant and asked for her elder daughter to serve in the house of co accused Anil Kumar Sharma when the complainant expressed her inability, they attempted to commit rape with the complainant.

It is submitted by learned counsel for the petitioner the petitioner purchased some land from the son of the complainant



which was not liked by her when the complainant filed Complaint Case No. 1145 of 2008 with accusation under sections 120B, 181,418,423,457 and 468 IPC, Complaint Case No. 861 of 2009 with accusation under sections 120B,181,323,384,418,488,471 and 504 IPC and Bibhutipur P.S. Case No. 111 of 2011 registered under sections 143,447 and 379 IPC but when the petitioner got bail in all the three cases, the present case has been lodged.

Though statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent but it is submitted by learned counsel for the petitioner that it was under bonafide mistake since the nephew of the petitioner sworn affidavit. The nephew of the petitioner, however, tenders unqualified apology for such mistake.

It is submitted by learned counsel for the complainant that the petitioner is also accused in Bibhutipur P.S. Case No. 127 of 2011 in which cognizance has been taken under sections 323,392 and 341/34 IPC.

In reply to the same, learned counsel for the petitioner submits that the aforementioned case has been lodged by the brother of the complainant.

Considering the accusations in the background of serious litigated relationship between the parties, let the learned

court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with C.R. No. 5 of 2014 pending in the court of learned J.M. Patnacity, Patna.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--