

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24136 of 2017

Arising out of P.S. Case No. - 54 Year - 2016 Thana - MAHILA P.S. District - SARAN

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Dhiraj Kumar Singh, Son of Awadhesh Singh, aged about 28 Years,
Resident of Village - Hathisar, P.S. - Madhaura, P.O. - Gaura, District -
Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sushil Kumar Ray, Advocate

For the Opposite Party : Smt Sangeeta Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 02-08-2017

It appears that Dhiraj Kumar Singh (petitioner) has filed this criminal miscellaneous petition for grant of anticipatory bail in connection with Saran Mahila P.S. Case No. 54 of 2016 registered under Sections 341, 323, 376, 511, 504 and 506/34 of the Indian Penal Code.

Allegation against the petitioner is that when the informant had gone to attend the call of nature, the petitioner attempted to commit rape. When the informant went to complain to the family members of the petitioner, the family members abused and assaulted.

It appears that by order dated 01.07.2017, anticipatory bail was granted. However, the perusal of order dated 01.07.2017 reveals that submission before the Court was that the petitioner was father of the main culprit. The entire order,



apparently, reveals that the father of the main culprit was allowed anticipatory bail.

Thereafter, the petitioner filed a slip for listing of the case for modification of the said order to the extent that instead of the words typed “son of the petitioner”, the same be read as “the petitioner”.

Thereafter, this Court examined the entire things and by order dated 06.07.2017 called for case diary of the aforesaid case and operation of order dated 01.07.2017 was stayed.

The perusal of the case diary reveals that soon after the occurrence, when the victim-informant returned to her house, she disclosed to her parents about what had happened with her or in other words what was committed by the petitioner against her.

Learned counsel for the petitioner submits that for land dispute only an occurrence of assault had taken place which would be evident from the statement of independent witness in paragraph 16 of the case diary. Moreover, just to harass in the land dispute, false allegation is there.

Paragraph 15 of the case diary would reveal that one more eye-witness has supported the allegation against the petitioner.

Considering the nature of allegation and the material



available in the case diary, I am not inclined to enlarge the petitioner Dhiraj Kumar Singh on anticipatory bail.

Hence, prayer is refused and the order dated 01.07.2017 stands modified, accordingly.

Let this order be communicated, immediately, to the court of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Saran Mahila Police Station Case No. 54 of 2016.

(Birendra Kumar, J)

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