

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8302 of 2017

Arising Out of PS.Case No. -996 Year- 2009 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Fekan Paswan @ Fhekan Paswan, Son of Vriksh Paswan, Resident of
Kajisarai, P.S. Kako, District - Jehanabad Petitioner

Versus

1. The State of Bihar
2. Raj Kumari Devi, Wife of Satyendra Pandit, Resident of Kajisarai, P.S.
Kako, District – Jehanabad Opposite Parties

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Appearance :

For the Petitioner : Mr. Anita Kumari Singh, Adv.

For the Opposite Parties : Mr. Gauri Shankar Gupta, APP 95

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-03-2017

A supplementary affidavit has been filed by the
learned counsel for the petitioner, let the same be kept on
the reocrd.

Heard the learned counsel for the petitioner
and the State.

This is a petition for grant of anticipatory bail
for offence under Sections 323, 376 and 511 of the Indian
Penal Code.

The main allegation is against the petitioner of
attempt to commit rape on the complainant while she had
gone to attend the call of nature. Other two witnesses
have also supported the allegation as eye witnesses.

Submission of the petitioner is that co-accused,
Sunil Sharma, has already been allowed bail by a
coordinate Bench of this Court in Cr. Misc. No. 30415 of
2016.



On perusal of the aforesaid order, it appears that Sunil Sharma was granted bail considering the enmity between the parties as there was land lord and tenant dispute for eviction of the land.

At this stage, the statement of the witnesses of the complainant can not be disbelieved. Hence, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is **refused**.

However, in the event of surrender of the petitioner, this order shall not prejudice the Court below.

(Birendra Kumar, J)

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