

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39386 of 2017

Arising Out of PS.Case No. -87 Year- 2017 Thana -BIRPUR District- SUPAUL

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HARUN @ MD. HARUN, son of Sk. Anul, resident of village- Baitiya
Umal, Ward No. 06, P.S.-Birpur, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Birpur P.S. Case No. 87 of 2017 registered for the offence(s)
punishable under Section(s) 341, 323, 354, 506, 379 of the Indian
Penal Code.

Informant has alleged that on 16.04.2017 when she
was coming from Birpur market this petitioner all of a sudden
came and tried to commit rape.

Learned counsel for the petitioner submits that the
informant and the petitioner are resident of same place. A land
dispute is going on between the petitioner and husband of the
informant for which proceeding under section 144 Cr.P.C. as well
as 107 Cr.P.C. were initiated against both the parties in the month



of March, 2017. A ceiling case bearing No. 01 of 2014 is also pending before the Collector, Supaul. The informant has leveled false allegation only after initiation of proceeding under sections 107 and 144.

Learned Additional Public Prosecutor opposed the aforesaid submission.

Considering the omnibus allegation of outraging the modesty and also the litigation going on between the parties since before the present case, prayer of anticipatory bail is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Birpur in connection with Birpur P.S. Case No. 87 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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