

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58099 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- KHIRHAR District- Madhubani

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Vimlesh Chaudhary @ Vimlesh Kumar, Son of Radhika Raman Chaudhary @ Jhoti Chaudhary, resident of Village- Khirhar, P.S.- Khirhar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mr. Pravin Kumar, Advocate
For the State	:	Mr. Md. Arif, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 12-12-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Khirhar P.S. Case No. 29 of 2018 dated 10.04.2018 instituted under Sections 354/354(A)/354(D)/509 of the Indian Penal Code.

3. The allegation against the petitioner is that the informant, whose husband had gone missing, for over last six years was forcibly made to get into physical relationship with the petitioner, which she had objected, and after some time, when she had finally brought the matter to the notice of the family members and local people, the petitioner is said to have promised not to do



anything but despited that on 08.04.2018, at 1.00 P.M., he came to her house and indulged in the same act.

4. Learned counsel for the petitioner submitted that the husband of the informant is the uncle of the petitioner and they are neighbours and that in family partition, an orchard was divided among various persons and one portion belonging to Anand Bihari Chaudhary, cousin of the petitioner, was sought to be bought by the informant but the petitioner had bought that as it was contiguous to his orchard due to which he has been falsely implicated. It was further submitted that it is the husband of the informant, who has got the present false case instituted.

5. Learned A.P.P. submitted that the allegation appears to be quite natural and the sole defence of the petitioner being that due to some dispute with regard to an orchard he had bought, which the petitioner had also wanted to buy, is not tenable for the reason that if all, there could have been any grievance of the petitioner, it would have been against Anand Bihari Chaudhary, who sold the land and not against the petitioner who is said to have bought the land. Learned counsel further submitted that a woman having a son and daughter would not make such allegation on a public platform and this alone goes to indicate that the allegations are not made up and false.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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