

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 57992 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- DAUDPUR District- Saran

1. Dalan Sah
2. Wakil Sah

Both are Son of Lalku Sah Resident of Village Babhanwaliya
P.S. Daudpur, District Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL JUDGMENT

Date : 12-12-2018

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

2. The petitioners apprehend arrest in connection with
Daudpur P.S. Case No. 57 of 2018 dated 07.04.2018 instituted
under Sections 376/511/452/380 of the Indian Penal Code.

3. The petitioners along with another accused are
brothers. Petitioner no. 1 is accused of entering into the house of
the informant with bad intention to commit rape and it is alleged
that as soon as he tried lifting her dress, she raised alarm and then
the other accused entered the house and the third accused
brandished *knife* causing injury on the right wrist of the informant



and then petitioner no. 1 and the third accused snatched *Mangal Sutra* and ear rings and petitioner no. 2 took Rs. 10,000/- from her bag. The motive alleged is that the *Gairmajurwa* land, which is the *Bathan* of the informant was being attempted to be forcefully grabbed by the accused, due to which the incident occurred and several unsuccessful attempts were also made in this regard in the past.

4. Learned counsel for the petitioners submitted that they are neighbours, being innocent and have been falsely implicated. It was submitted that due to some land related dispute among neighbours, the present case has been lodged, which is totally false and frivolous. It was submitted that the allegation of trying to commit rape, taking ear rings and Rs. 10,000/- is cosmetic, only with the motive to make the petitioners give up their claim with regard to the land dispute between the parties. Learned counsel submitted that the allegation is also unbelievable, for the reason, that upon cry being raised by the complainant only the other two accused are said to have come and nobody else, including the husband and other family members, which clearly indicates that the allegation is false. Learned counsel further contended that there is no injury report brought on record. Learned counsel submitted that the petitioners have no criminal antecedent.



5. Learned A.P.P., upon going through the case diary submitted that the petitioners are accused of having tried to commit rape and also snatching the *Mangal Sutra*, ear rings and Rs. 10,000/-, from the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran Chapra in Daudpur P.S. Case No. 57 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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