

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.10127 of 2019**

Arising Out of PS. Case No.-4 Year-2016 Thana- VAISALI COMPLAINT CASE District-  
Vaishali

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Mithu Kumar @VIVEK Kumar, Son of Raj Kumar tiwari Resident of Village  
-Malpur,

... .. Petitioner/s

Versus

1. The State of Bihar
  2. Ramakant Tiwari, Son of late Dashrath Tiwari Resident of Village -Malpur,  
... .. Opposite Party/s
- =====

**Appearance :**

For the Petitioner/s : Mr.Manish Chandra Gandhi  
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER**

9      17-10-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Complaint Case No.4 of 2016, arising out of Patepur P.S. Case  
No.141 of 2015, for the offence punishable under Sections 376,  
511 of the Indian Penal Code.

The allegation against the petitioner is that petitioner  
along with other accused persons tried to commit rape upon the  
minor daughter of the informant.

Learned counsel for the petitioner submits that  
petitioner has falsely been implicated in this case due to land  
dispute between the parties. Learned counsel further submits  
that the police investigated the matter and referring to  
Annexure-2 series which is a final report submitted by the



police, submission is that police after investigation has submitted a charge-sheet under Section 504 of IPC which is bailable.

Having regard to the submissions made by the parties and taking into consideration the fact that there appears to be previous animosity between the parties and police after investigation has submitted charge-sheet against the petitioner under Section 504 of IPC only, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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