

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18651 of 2019**

Arising Out of PS. Case No.-224 Year-2018 Thana- UJIYARPUR District- Samastipur

RANJAN KUMAR SAH @ RANJAN KUMAR RAMAN Son of Sri Jagdish Prasad Sah Resident of Village - Chandchour Rahimtol, P.S.- Ujiyarpur, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar  
2. Ragni Kumari, daughter of Sulendra Rai, Resident of village- Satanpur, P.S.-Ujiarpur, District- Samastipur.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                            |
|--------------------------|---|------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Advocate.<br>Mr. Udbhav , Advocate. |
| For the Opposite Party/s | : | Mr.Zainul Abedin,                                          |
| For the informant        | : | Mr. Ajay Kumar, Advocate.                                  |

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

4      25-07-2019              The petitioner apprehends his arrest in connection with Ujiyarpur P. S. Case No. 224 of 2018 registered under Section 366 of the Indian Penal Code.

Allegation against the petitioner, as per the FIR, is that complainant/informant had gone for treatment of her ear to the doctor and while she was returning by mini bus, petitioner sat beside her and developed friendship with her and taking advantage of the same, he established physical relationship with the complainant and exploited sexually for last four months. It has further been alleged that petitioner had given assurance to marry the complainant/informant after a month.

Mr. Udbhav Kumar, learned counsel appearing on behalf



of the petitioner submits that petitioner is innocent and has falsely been implicated in this case with oblique motive. He further submits that petitioner is working as *Naik* in Indian Army and on the day of occurrence, i.e., on 21.07.2017, he was serving the country posted at Jammu and Kashmir. Learned counsel further, relying upon Annexure-2, submits that the Commander of the petitioner has issued a certificate/First Investigation Report dated 01.12.2018, addressed to the Court of S.D.J.M., Dalsing Sarai, stating therein the fact that petitioner was present on duty on the day of occurrence as alleged in the complaint/FIR.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that petitioner has committed rape on the basis of false assurance given to the complainant/informant and mobile number of the petitioner is with her in proof of relationship between the petitioner and the complainant.

After having heard learned counsel for the parties and taking into consideration the fact that on the day of occurrence, petitioner was found serving at Jammu and Kashmir as per the certificate issued by the Commander of the Indian Army, as such I am inclined to grant anticipatory bail to the petitioner.



Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned SDJM, Samastipur in connection with Ujiyarpur P.S.Case No. 224 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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