

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45602 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- NIRMALI District- Supaul

=====

DHANI RAM MANDAL Son of Jamun Mandal Resident of Village -
Hariyahi, P.S.- Nirmali, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Shyameshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-07-2019 The petitioner apprehends his arrest in connection with

Nirmali P. S. Case No. 59 of 2019 registered under Section 376

of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that while
the informant was sleeping in her house on 25.03.2019, her
neighbour Dhani Lal Mandal i.e., petitioner, entered into the
house and on the point of pistol committed rape upon her.

Mr. Pramod Mishra, learned counsel appearing on behalf
of the petitioner submits that petitioner has falsely been
implicated in this case due to village politics and petitioner as
well as informant are neighbours residing in the same village
and the wife of the petitioner is an elected member of the
Panchayat Samiti. He further submits that occurrence has
allegedly taken place on 25.03.2019 but the FIR has been
lodged after delay of three days without any explanation.



Learned counsel further submits that prior to lodging of the present FIR, wife of the petitioner had lodged an FIR bearing Nirmali P.S.Case No. 58 of 2019 dated 27.03.2019 against the husband of the informant and in counter blast, present false and concocted case allegedly of committing rape against the petitioner has been lodged on 28.03.2019.

After having heard learned counsel for the parties and taking into consideration the fact that both parties are neighbours and the case lodged by the wife of the petitioner is prior in time to the case lodged by the informant, accordingly, 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 Judicial Magistrate 1st Class, Birpur at Supaul in connection with Nirmali P.S.Case No. 59 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

