

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19706 of 2020

Arising Out of PS. Case No.-271 Year-2019 Thana- MANSI District- Khagaria

ANUJ KUMAR SINGH Son of Bhagwan Singh @ Bhagwan Prasad Singh
Resident of Village - Nariyar Road, P.S.- Sadar Thana, Saharsa, District-
Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Pridarshi Matri Sharan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 21-10-2020 Heard Mr. Pramod Mishra, learned counsel appearing on behalf of the petitioner, Mr. Md. Aslam Ansari, learned Additional Public Prosecutor, for the State of Bihar and Mr. Priyadarshi Matri Sharan, learned counsel representing the informant.

This application for grant of anticipatory bail arises out of Mansi P.S. Case No. 271 of 2019, registered for the offence punishable under Sections 376/511 of the Indian Penal Code.

There are two persons named in the F.I.R. including this petitioner. The allegation against the petitioner and the co-accused is of attempted to commit rape on the informant when



she was alone in her house and her father-in-law and mother-in-law were sleeping outside, on the alleged date of occurrence. Allegedly, they attempted to commit rape at the point of pistol.

Case diary has been called for, soft copy of which is there on record. On careful perusal of the case diary, it transpires that co-accused Guddu Singh is own cousin of the informant's husband. It also transpires that there is dispute over respective shares of the coparceners in the joint family property.

Learned counsel appearing on behalf of the petitioner has submitted that complaint petition, which is the basis for registration of FIR, has been lodged nearly eight days after the alleged date of occurrence, which casts doubt over the correctness of the case of the prosecution. He has further submitted that there is no chance of the petitioner tampering with the evidence. He has further submitted that considering the property dispute existing in the family, the implication of the petitioner and co-accused Guddu Singh appears to be doubtful.

Considering the facts and circumstances, as noted above, particularly delay in filing of the complaint petition, which is the basis for registration of the F.I.R., this application is allowed.

By an order dated 10.09.2020, the petitioner was



granted provision bail. The said order stands confirmed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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