

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9824 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- FORBESGANJ District- Araria

HARSHIT ABHISHEK SON OF BINDESHWARI PRASAD MANDAL R/O
MOHALLA- PROFESSOR COLONY, WARD NO.-25, P.S.- FORBESGANJ,
DISTRICT- ARARIA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Prince Kumar Mishra, Adv. Mr. Vikas Kumar Jha, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-09-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
counsel for the informant.

The petitioner apprehends his arrest in connection with
Forbesganj P.S. Case No. 116 of 2021, registered for the offences
punishable under Sections 376, 354 (A)/323 of the Indian Penal
Code.

The informant was married to the brother of the petitioner
in the year 2015. Her husband committed suicide in 2020 and after
one month of commission of the suicide, the petitioner grabbed the
household articles from her flat situated in Delhi. In June 2020, the
petitioner committed physical relation with the informant and on



subsequent occasion also he had physical relation with the informant. On 09.02.2021, the petitioner and other accused persons obtained her signature on some papers relating to movable and immovable properties of the deceased and they ousted the informant from their house along with her three years minor daughter.

Learned counsel for the petitioner has submitted that the entire allegation is false. As per allegation, the rape was committed in June, 2020 and the FIR has been lodged in February, 2021. As a matter of fact, brother of the petitioner committed suicide due to act of the informant. It is a matter of partition of the properties and as per panchnama dated 11.01.2021, the accused persons intended to hand over the properties of the informant. He has submitted further that the maintenance is regularly been transferred in the account of the informant by the family members of the petitioner.

On the other hand, learned counsel for the informant has opposed the prayer for bail and submitted that the informant is widow lady and the petitioner committed rape upon her.

The FIR has been lodged after eight months of the alleged occurrence of rape. The panchnama shows that the accused persons had intended to hand over the properties of the informant. The petitioner is a person of clean antecedent.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 116 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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