

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32041 of 2022**

Arising Out of PS. Case No.-120 Year-2021 Thana- THARTHARI District- Nalanda

Raj Raushan @ Raj Raushan Kumar @ Nitin Kumar Son of Sri Ripusudan Sharma Resident of Village - Asta, Police Station- Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 08-12-2022 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 341, 323, 354 of the Indian Penal Code.

As per the prosecution case, on the alleged date and time of occurrence when the husband of informant had gone outside the house for some urgent work, it is alleged that this petitioner who is neighbour armed with pistol entered her house and started molesting her in sleeping condition. Then she woke up and made protest, thereafter, on the point of pistol this petitioner committed rape with her, took her nude photographs and also threatened her. Thereafter, petitioner committed rape



with informant several times. On 12.10.2021, again petitioner attempted to commit rape with her, but she protested and informed her husband.

It is submitted that both parties are neighbour and admittedly there is land dispute between them for which Title suit no. 39 of 2005 was lodged by the grand mother-in-law of the present prosecutrix namely, Chandrakala Devi against the grand mother of one Nilam Devi and others in which decree was passed in favour of petitioner's side. The falsity of present case appears from the fact that during course of investigation when the police tried to get the prosecutrix examined by the doctor, she refused for her medical examination. Informant is a major lady having two children.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Tharthari P.S. Case No. 120 of 2021, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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