

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38846 of 2022**

Arising Out of PS. Case No.-227 Year-2021 Thana- KHARIK District- Bhagalpur

Changuri Shah S/O Late Khonai Shah Resident of Village- Dhruvganj, P.S.-  
Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      01-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

The instant application for anticipatory bail has been  
filed by the petitioner apprehending his arrest in connection  
with Kharik P.S. Case no. 227 of 2021 instituted for the offence  
punishable under Sections 341, 323, 307, 376, 511, 504, 506 and  
34 of the Indian Penal Code.

As per allegation in the FIR, when the informant was  
sitting at her house then the petitioner entered with intention to  
commit rape. It is further alleged that the informant started  
shouting upon which the petitioner fled away and after  
sometime, he along with other co-accused persons came and  
started assaulting to the informant from which she fell down on  
the ground and the petitioner tried multiple times to commit rape  
with the informant.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. It is further submitted that the petitioner and informant are neighbours and there is a land dispute between them due to which the petitioner has falsely been implicated in this case.

Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that specific allegations of attempt to committing rape multiple times with the informant and assaulting her by means of axe are against this petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of trying to commit rape is against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

**(Sunil Kumar Panwar, J)**

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