

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40751 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- SONO District- Jamui

BIJAY DAS Son of Rajendra Das Resident of Village - Rajaun, P.S.-
Charkapathar (OP), Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State. No one appears on behalf of the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that while she was on her way to father-in-law's house, Rajendra Das caught her and tried to rape her, on alarm her son came when Rajendra Das brought a sword from his house and assaulted him causing injury on his left palm, further Pawan assaulted her repeatedly by sword causing injury on head, thereafter the rest accused, including the petitioner, disrobed her.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next submitted that allegation of attempting to rape is against Rajendra, further it is against Rajendra that it is alleged that he assaulted the son of the informant by sword causing injury on palm, thereafter Pawan assaulted her repeatedly by sword causing injury on head. It is next submitted that as far as this petitioner is alleged the allegation against him is general and omnibus in nature. The learned counsel for the petitioner further submits that even the allegation as alleged in the FIR with regard to assault does not inspire confidence for the reason that the FIR is based on written application of the informant, it is next submitted that had the informant or her son been assaulted as alleged then definitely they would have been taken to the hospital for treatment and the hospital would have informed the police, the learned counsel for the petitioner further submits that there is a delay of four days in instituting the FIR which further raises doubt with regard to the veracity of the allegation as alleged.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sono (Charkapathar) P.S. Case No. 201 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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