

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 40109 of 2020**

Arising Out of PS. Case No.-58 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Irfan Mian, aged about 23 years, Gender-Male, Son of Mainuddin Ali @ Mainuddin Mian, Resident of Village - Khajuhati, P.S.- Baikunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

ORAL ORDER

4      07-01-2022      Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Baikunthpur P.S. Case No. 58 of 2020 instituted for the offences punishable under Section 341,323,354,376 and 511 of the Indian Penal Code.

Learned counsel for the petitioner has pointed out that there is a long standing dispute between the petitioner's family and the informant who is 51 years old person, his wife is 50 years and have four children aged about 30, 20, 16 and 14 years. The allegation is imaginary and is only with a purpose to put pressure in the civil suit.

Learned counsel submits that the allegations of trying to commit rape is falsified from the fact that the lady was living

with her son, daughter’s and daughter-in-law and the petitioner is only an age of 23 years. I have gone through the submissions and purused the documents, keeping in view the aspects, there is prima facie case of implication is made out.

In view there of, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sanjeev Prakash Sharma, J)**

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