

Arising Out of PS. Case No.-491 Year-2022 Thana- BANIAPUR District- Saran

Arising Out of PS. Case No.-491 Year-2022 Thana- BANIAPUR District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : **Mr.Ajit Kumar, APP**

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Baniyapur PS case no. 491 of 2022, registered for the offences punishable under Section 376(D) and other allied sections of the Indian Penal Code.

The allegation is regarding the petitioner and two other co-accused persons having entered the house of the informant on the alleged date and time of occurrence, whereafter, they are alleged to have raped the wife of the informant in his presence.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in



the present case. The learned counsel for the petitioner has referred to paragraph no. 5 of the impugned order dated 11.01.2023 to submit that the statement of the wife of the informant was recorded by the police under Section 161 Cr.P.C., which can be found at paragraph no. 14 of the case diary, wherein she has categorically stated that she has not been raped by any of the accused persons, on the alleged date and time of occurrence and the fact is that dispute had taken place on account of plucking of leaf from the Bel tree, on account of which, the petitioner and other accused persons had engaged in altercation with her and the informant as also had abused and assaulted them. It is also submitted that other witnesses, examined during the course of investigation, have also not supported the factum of the wife of the informant being raped by the accused persons.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the victim lady has herself refuted the allegation of rape being committed by the



accused persons, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail,

Accordingly, the abovenamed petitioner, in the event of his arrest or 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 released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Saran at Chapra in connection with Baniyapur PS case no. 491 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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