

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.18284 of 2023**

Arising Out of PS. Case No.-249 Year-2022 Thana- PUPRI District- Sitamarhi

Masoom @ Md. Masoom, S/O- Md. Maqsd Resident Of Village-  
Bachhadapur Anchal- Pupri Ps- Pupri Dist- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Niraj Kumar- Advocate

For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

3      28-07-2023                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Sections 341, 323, 376, 511, 354(B)/ 34 of the Indian Penal  
Code.

3. The learned counsel for the petitioner submits that  
the petitioner has antecedent of one case and the informant  
alleges that petitioner along with some unknown criminals  
entered her house and tried to commit rape upon her minor  
daughter aged about 10 years, when he was not able to commit  
the occurrence, he tore her cloths.

4. The learned counsel for the petitioner submits that  
petitioner has been falsely implicated in the present case. It is  
next submitted that it is very easy to implicate an accused  
alleging that he tried to commit rape. It is further submitted that



there is land dispute between the parties and earlier on account of dispute, a proceeding under Section 107 of the Cr.P.C. was initiated between the parties in which the informant later compromised. It is next submitted that the dispute basically between the petitioner and the informant is that petitioner objects the encroachment being made by the informant on government land, which blocks his ingress and egress.

5. The learned counsel next submits that it absolutely does not stand to reason as to why petitioner would have gone to the house of the informant to commit such an occurrence when there is admitted dispute between the parties.

6. Learned A.P.P. opposes the bail application and submits that an allegation of attempt to commit rape is alleged against the petitioner and the investigation is going on.

7. The learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth and proving his innocence.

8. 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 Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri at Sitamarhi in connection with Pupri P. S. Case No.249 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

11. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

12. Further, it is made clear that in the event, if charge-sheet is submitted connecting the petitioner with the offence in that event, the present anticipatory bail order shall lose its effect.

**(Satyavrat Verma, J)**

vikash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

