

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39103 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- KODHOBARI District- Kishanganj

MATTHU @ SAMSAD @ MD SHAMSAD SON OF RASHID RESIDENT
OF VILLAGE-PATTHAR GHATI KASHIBARI, PS- KODHOBARI,
DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kodhobari Police Station Case No. 11 of 2023,
dated 19.02.2023 disclosing offences under Sections
341/323/380/354(B)/426/455/456/376/511/34 of the Indian
Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the petitioner along with other co-
accused persons entered into the house of the informant and
assaulted her and torn her clothes. The petitioner along with co-
accused Mangal took away cash amounting Rs. 22,000/- from



the box and distributed among themselves in the courtyard. It has further been alleged that prior to the occurrence, in the night, at about 06:00 PM, on the same date, while the informant was alone in the house, the petitioner forcibly held her from behind, untied her clothes and tried to commit rape upon her, however, the informant was saved by her neighbours.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to a quarrel between children. He further submits that after a delay of two days complaint has been filed by the informant-complainant and under Section 156 (3) the First Information Report has been registered. He next submits that both the parties are close relatives and resides in the same premises. He next submits that no such occurrence has taken place and on the basis of concocted story the petitioner and others have been implicated in this case.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are relatives and reside in the same premises and the occurrence has taken place on a trivial issue of quarrel between the children, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with Kodhobari Police Station Case No. 11 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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