

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54495 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- CHAND District- Kaimur (Bhabua)

KANHAIYA RAM SON OF LATE NAKHDU RAM RESIDENT OF
BHELADIH, PS- CHAND, DIST- KAIMUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyajeet Pandey

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-12-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Chand Police Station Case No. 51 of 2023,
disclosing offences under Sections 376 and 34 of the Indian
Penal Code.

3. As per the First Information Report, the petitioner
entered into the house of the informant in night and on the point
of knife, tied her legs and raped her.

4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case due to
land dispute. The petitioner is uncle of the complainant-cum-
informant. Learned counsel next submits that for the alleged
occurrence, on 05.02.2023, the complaint was filed, on
10.02.2023, which was registered as an FIR under Section 156



(3) Cr.P.C. on 16.03.2023. Learned counsel next submits that there is a contradiction in the statement of the victim girl, made under Section 161 and 164 Cr.P.C. inasmuch as in her statement under Section 161, the victim has stated that the accused person broke the bamboo door and entered into her house while she was sleeping whereas in her statement, under Section 164, the victim has stated that the accused persons knocked the door asking for a cot and roller pin for the purpose of Ravidas Jayanti and when the informant did not open the door, the accused persons broke the same and entered the house.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the informant and the petitioner are closely related, there is a land dispute between them, there is a contradiction in the statement of the informant, made under Section 164 Cr.P.C., and no medical evidence of rape has been found by the Doctor, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, Kanhaiya Ram, 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 learned Additional Chief Judicial Magistrate-IV, Kaimur at Bhabhua, in connection with Chand Police Station Case No. 51 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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