

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67417 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- NAVINAGAR District- Aurangabad

1. PANCHAM DAS S/o- DUKHI DAS Village- Banrahi Ps- Nabinagar Dist- Aurangabad
2. Sudarshan Das son of Dukhi Das Village- Banrahi Ps- Nabinagar Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 19-10-2023 1. Heard learned counsel for the petitioners and the State.
2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 376, 511, 380, 452, 323, 504, 354 of the Indian Penal Code.
3. As per the prosecution case, on 19.02.2023 at about 7'o clock in the morning when the informant was cooking food, these petitioners entered into the house of the informant and tried to commit rape on her and when the informant raised objection, these petitioners assaulted the informant and took away golden chain worth Rs. 60,000/-.
4. It is submitted on behalf of the petitioners that



petitioners are innocent and have falsely been implicated in this case because of money dispute between the parties. As a matter of fact, the husband of the informant has taken advance of Rs. 75 thousand for execution of sale deed pertaining to Khata No. 95, 20 and the agreement was made on stamp on 24.10.2022 vide annexure-2 to this petition. Even after several requests, husband of the informant was not executing the sale deed. A complaint regarding the same was also made in Gram Katchahari and on 19.02.2023, After coming to know, the alleged complainant had threatened and abused the family members of the informant for which Nabinagar P.S. Case No. 78 of 2023 was lodged by the petitioner no. 2. The present case is counter blast to the case lodged by the petitioner no. 2. The falsity of the instant case is more apparent from the fact that though the alleged occurrence has taken place on 19.02.2023, but the complaint was lodged on 22.03.2023 after lapse of more than one month and there is no explanation for the same. Petitioner no. 1 namely Pancham Das is a government teacher and petitioner no. 2 namely Sudarshan Das is a labour.

5. Learned counsel for the State vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the



case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, 1st Aurangabad,/concerned court below in connection with Nabinagar P. S. Case No. 145 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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