

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74609 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Ashok Paswan S/O Late Rameshwar Paswan R/O Village- Maniyarpur, P.S-
Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi W/O Late Gopal Krishna Bharti R/O Village- Gohi, P.S- Warish
Nagar, Distt.- Samastipur At Present Resident Of Village- Kusaiya, P.S-
Warish Nagar, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Usha Kumari Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.
For the Informant	:	Mr. S.K. Thakur, Advocate.
		Ms. Priyam Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 156 of 2023 registered

for the offence punishable u/ss 323, 379 and 354 of the

Indian Penal Code.

4. As per the prosecution case, when the



complainant was returning to home after withdrawing Rs. 5000/- from Bank, the accused persons caught her and took to Tarbanni where the accused Debu Rai slammed her on the ground and bit soft parts of her body. It is further alleged that the accused persons threatened to kill her if she raised alarm and thereafter, all the accused persons disrobed her and snatched Rs. 5000/- in cash and also attempted to rape and strangle her.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that there is no specific allegation against the petitioner rather the specific allegation is against co-accused Debu Rai. Learned counsel has further submitted that complaint case has been filed after a delay of three months without giving any explanation. The petitioner was accused in one more case vide Warisnagar P.S. Case No. 196 of 2018 under Sections 406, 376 and 420 of the I.P.C. in which he was acquitted as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Samastipur in connection with Complaint Case No. 156 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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