

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72287 of 2023

Arising Out of PS. Case No.-81 Year-2014 Thana- INARWA District- West Champaran

KANHAIYA SAH SON OF RAMJI SAH R/O VILLAGE- JHAJHARI, P.S.-
INERWA, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gauri Shankar Thakur

For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 07-11-2023 Heard the learned counsel for the petitioner as well
as learned APP for the State.

2. The petitioner apprehends his arrest in connection with Inerwa P.S. Case No. 81 of 2014, registered for the offences punishable under Sections 376/511 of the Indian Penal Code.

3. As per allegation, when the informant was returning home after attending the call of nature, the petitioner caught hold of her and committed rape upon her.

4. The learned counsel for the petitioner has submitted that the case was found false and the investigating authorities have recommended for institution of a case against the informant under Section 182 of the IPC. The final form has been



submitted against the petitioner but differing with the investigating authorities, the learned Magistrate, though disbelieved the factum of rape but took cognizance under Section 354 of the IPC. He has submitted further that the reason for false implication is land dispute between husband of the informant and the present petitioner. A proceeding under Section 145 of the CrPC is still pending between the petitioner and husband of the informant.

5. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Inerwa P.S. Case No. 81 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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