

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76731 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- BARHARA KOTHI District- Purnia

Jai Krishna Paswan, S/O Late Bijendra Paswan, R/O Laxmipur, Ward No. 8,
P.S. - Barhara (Raghubanshpur), Dist – Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

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

ORAL ORDER

2 20-12-2023 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 Barhara P.S. Case No. 81 of 2023 dated

18.02.2023 registered for the offences punishable under

Sections 341, 323, 504, 506, 376 and 511 of the I.P.C.

4. As per the prosecution case, the petitioner is

alleged to have entered the house of the informant and tried

to commit rape on her. The petitioner also threatened the



informant that if the matter is disclosed to anyone and inform the police station, the informant and her husband would be killed.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is land dispute between the parties. The informant's father-in-law was given a piece of land by the petitioner's father but subsequently, the informant encroached other land of the petitioner which was adjacent to the informant's land. On being protested, the present false case has been lodged by the informant. There is no eye witness to the alleged occurrence. The victim in her statement recorded under Section 164 Cr.P.C. changed her version as stated in the F.I.R. The informant was medically examined by the doctor and the doctor found simple injury. It is further submitted that the occurrence took place on 15.02.2023 and the F.I.R. was lodged on 18.02.2023 after a delay of three days for which no explanation has been given by the prosecution. The petitioner has two criminal antecedents and in one case he is on bail as stated in paragraph no. 3 of the bail



application.

6. Learned A.P.P. for the State has 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Purnea, in connection with Barhara P.S. Case No. 81 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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