

Arising Out of PS. Case No.-172 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

- Petitioner/s

1. The State of Bihar
2. Bindu Devi S/o Fonelal Das R/o Village and P.O.- Dharha, P.S.- Rosera, District- Samastipur (Bihar)

... .. Opposite Party/s

For the Petitioner/s : Mr.Madhav Kumar
For the Opposite Party/s : Ms.Rina Sinha

3 22-08-2024 1. Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel appearing on behalf of
OP No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 342, 420, 376, 379, 354B, 406 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that petitioners introduced themselves as Masons (Raj Mistri), further the informant started working with



the petitioners on daily wage of Rs. 300/-, but she was never given her daily wage, rather the petitioners used to pay 1000-500 rupees for a month. It is next alleged that the petitioners took an amount of Rs. 80,000/- which the informant had received under PM Awas Yojna for constructing her house, but when the house was not built, the informant asked for her Rs. 80,000/- along with her wages, when it is alleged that Ramprit Das (petitioner No. 1) entered her house and forcibly established physical relations and also made recordings of the same and threatened that if she will demand her money, the video will be made viral, as such, the informant on account of social pressure could not reveal the said fact earlier, and thereafter, Petitioner No. 1 continuously established physical relations, further on 8-2-2023, all the accused came and tore her clothes and assaulted her and took Rs. 1 lakh cash and gold worth Rs. 2 lakh from her house.

4. Learned counsel for the petitioners submits that from perusal of allegation as alleged in the Complaint, it would manifest that the same does not inspire confidence. It is next submitted that relationship in between Ramprit Das and the informant was consensual. It is also submitted that whenever such relationship sours, a false case is instituted alleging rape. It



is next submitted that it does not appear probable that informant, who got allured by the petitioners when they introduced themselves as Masons and started working with them on daily wage of Rs. 300/-, would have kept 1 lakh and ornaments, as alleged, in the house which was snatched by the petitioners. It is also submitted that as far as allegation of making video of the occurrence is alleged, the said allegation has been leveled only to give seriousness to the case. It is next submitted that the complainant very wisely instituted a complaint case instead of FIR, knowing that if an FIR would have been instituted the case would have been investigated and truth would have come to the fore, further the complainant would have been subjected to medical examination, hence to avoid medical examination the complaint was instituted. It is also submitted that the petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the OP No. 2 opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 172 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned Police Station.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

