

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18018 of 2024

Arising Out of PS. Case No.-19 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sanjay Singh @ Sanjay Kumar Singh Son of Amar Singh R/o Village-
Jamanpura, Post- Chakri, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Raj Kumar Singh R/o Village- Jamanpura, P.S.- Andar,
District- Siwan, At present R/o Village- Dudhaha Tola, P.S.- Raghunathpur,
District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 11-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 376 of the
Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the complainant. It is further
submitted that notices on behalf of the complainant was
received by her nephew accordingly a jointness application has
been filed.
4. Since jointness application has been filed as such
the notice is deemed to have been validly served.



5. It is further submitted that complainant despite receiving notice chose not to appear and contest which amply demonstrates that the instant complaint case came to be instituted for some ulterior reason.

6. It is next submitted that the complainant alleges that on 22.08.2021 at around 05:30 p.m. she along with her brother Pramod Kumar Singh came at Jatahawa Temple from her parental home by motorcycle and thereafter her brother went to purchase some article from Andar Market and the complainant after performing pooja was waiting for her brother when the petitioner along with Ajay Singh came there and took her to upgraded middle school and the petitioner forcibly put her down and Ajay Singh committed rape when her brother along with the villagers Dudhnath Singh came and raised objection and tried to apprehend the accused but they succeeded in fleeing away after assaulting.

7. Learned counsel for the petitioner submits that the date of occurrence is 22.08.2021 and the complaint came to be instituted on 04.01.2022 i.e. after a delay of nearly four months of the occurrence. It is further submitted that though in the complaint it has been alleged that the complainant had gone to the police station but her FIR was not instituted but then has not



disclosed the day on which she had gone to the police station for getting an FIR registered. It is next submitted that deliberately the instant complaint came to be instituted so that the case is not investigated as the falsity of the allegation would manifest. It is also submitted that this perhaps explains why the complainant despite receiving notice chooses not to appear and contest. It is further submitted that petitioner will not abscond rather will cooperate in the trial.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Trial No. 2260 of 2023 arising out of Complaint Case No. 19 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. However, if the learned trial court comes to a



conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and to take all coercive steps that petitioner is behind bar.

(Satyavrat Verma, J)

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