

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29428 of 2024

Arising Out of PS. Case No.-10 Year-2013 Thana- MAHILA P.S. District- Samastipur

Rajeev Nayan @Rajiv Nayan, Son Of Yogendra Tiwari, Resident Of Village-
Chakmahesi, Ps- Chakmehsi, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumari, Wife Of Sanjay Tiwari, Resident Of Village- Indranagar,
Dharmapur, Ps- Muffasil, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Samastipur Mahila P.S. Case No. 10 of 2013 registered for the offences under Sections 376, 511, 447 and 380 of the Indian Penal Code.

3. As per prosecution case, the petitioner entered into the house of the complainant/informant and made an attempt to rape her and also snatched a gold '*mangalsutra*' worth Rs. 60,000/- from the complainant/informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant is the own sister-



in-law of the petitioner and the husband of the informant is the full brother of this petitioner. There is longstanding land dispute between the parties and the present case has been lodged in order to pressurize the petitioner since the wife of the petitioner has filed a case against the informant and her husband a year back. The police investigated the matter and submitted final form stating the case to be not true and arising out of a civil dispute. However, the learned Magistrate took cognizance in the matter mechanically and issued summons for appearance of the petitioner. The prosecution story is also not believable that the petitioner tried to commit rape with his own sister-in-law and failing which he fled away taking a '*mangalsutra*'. Learned counsel further submits that the petitioner is having criminal antecedent of two cases but both the cases have been lodged by his elder brother and his wife, informant of the present case. Petitioner is on bail in both the cases.

5. Learned APP opposes the prayer for anticipatory bail submitting that there is specific allegation against the petitioner that he tried to commit rape with the informant and not being successful, fled away from the spot taking a '*mangalsutra*'.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the background of previous dispute of the parties and their relationship and also considering the doubtful nature of allegation against the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount to the satisfaction of learned C.J.M., Samastipur/concerned court in connection with Samastipur Mahila P.S. Case No. 10 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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