

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36544 of 2024

Arising Out of PS. Case No.-1005 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sumit Giri @ Sumit Kumar Giri S/O Anirudh Giri Village-Belaur,P.S.-
Guthani, Dist- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi Wife Of Dharmendra Giri R/O Village- East Belaur Mathiya,
P.S.- Guthuni, Dist- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rampravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 01-10-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. From perusal of the office report dated 27.09.2024,
it would manifest that the notice on behalf of the O.P. No.2 has
been received by her husband, as such the notice is deemed to
have been validly served.

3. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 376, 354 A,B,C and D, 452, 504, 506 of the Indian
Penal Code in connection with Complaint Case No.1005 of



2022.

4. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that petitioner on 28.05.2022 at 12:00 noon entered her house when she was sleeping and torn her blouse and opened his vest and raped her despite protest and thereafter left after cleaning himself and the complainant by his vest, next alleges that while leaving he threatened and even left his vest, further she disclosed the occurrence to her husband and they went to the police station, but FIR was not instituted, hence the instant complaint case was filed on 30.05.2022.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that complainant alleges that on 28.05.2022 while she was sleeping at 12:00 noon when petitioner entered and torn her blouse and committed rape. The learned counsel next submits that a specific pleading has been made at para-7 of the anticipatory bail application wherein, it has been pleaded that petitioner is nephew of the complainant and works in Saudi Arabia and on account of dispute relating to land the petitioner has been falsely



implicated in order to coerce his entire family members. The learned counsel next submits that the complainant concealing the relationship has instituted the instant complaint which casts an aspersion on the case of the prosecution.

6. The learned APP, Mr. Chandra Bhushan Prasad vehemently opposes the anticipatory bail application and submits that the complainant specifically in the complaint alleges that she was raped by the petitioner and he even left his vest while leaving. It is also submitted that though at para-7 it has been pleaded that petitioner is nephew of the complainant, but then from perusal of Annexure-2 to the anticipatory bail application i.e. Guthani P.S. Case No.140 of 2022 dated 30.05.2022 instituted by the mother of the petitioner, it would manifest that the mother has alleged in the FIR that her husband i.e. father of the informant was assaulted by the informant and his side. The learned APP further submits that the mother of the petitioner in Guthani P.S. Case No.140 of 2022 dated 30.05.2022 has alleged that her husband was assaulted by her neighbours, which amply demonstrates that petitioner is not the nephew of the complainant as pleaded at para-7 of the anticipatory bail application.

7. Considering the submissions made by the learned



APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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