

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40530 of 2024

Arising Out of PS. Case No.-444 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Madan Singh, Son of Tulsi Singh, Resident of Village-Kavi Chowk, P.S.-
Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pintu Devi, Wife of Arun Kumar Singh, Resident of Vilalge-Kavichak,
Ward No. 1, PS-Bibhutipur, District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with C.R. No. 444 of 2021 registered on
07.09.2021 under Sections 376, 341, 342, 447 of the Indian Penal
Code in which cognizance has been taken for the alleged offence
under Sections 323 and 354-B of the Indian Penal Code.

03. As per prosecution case, the petitioner committed
rape with the complainant and threatened her.

04. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this case.
The petitioner is the elder brother of the informant's husband but
this fact has not been mentioned in the complaint petition. The



story of the complainant is not believable and the complainant has made her minor son and daughter as witnesses. The complainant, in her statement recorded on solemn affirmation, has stated that she did not raise any alarm and neither shouted nor told anyone about the occurrence. She has further stated that she did not make complaint to other family members and no *Panchayati* was held. Learned counsel further submits that learned Magistrate took cognizance of the offence under Sections 323 and 354(B) of IPC and did not find the case true under Section 376 of IPC. The petitioner and the complainant reside in the same house and due to minor dispute, earlier the complainant has lodged Bibhutipur PS Case No. 212 of 2021 under Sections 341, 323, 325, 504, 506, 354, 448, 379/34 of IPC in which the petitioner has been enlarged on bail thereafter, as an afterthought the present case has been lodged with completely false and concocted allegation.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is specific allegation against the petitioner as the complainant has supported her case in her statement recorded on solemn affirmation.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the relationship of the parties and also considering the probability of false accusation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rosera/court concerned in connection with C.R. No. 444 of 2021, subject to the condition 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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