

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38824 of 2024

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

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Ajay Singh @ Ajay Kumar Singh SON OF Gorakh Nath 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 VILLAGE-
JAMANPURA, PS- ANDAR, DIST- SIWAN, AT P/A R/O - DUDHAHA
TOLA, PS- RAGHUNATHPUR, DIST- SIWAN

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-07-2024
1. Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 376(D) 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 present case by the complainant. It is further
submitted that similarly situated co-accused Sanjay Singh @
Sanjay Kumar Singh had approached this Court seeking
anticipatory bail by filing Cr. Misc. No. 18018 of 2024 in which
notices were issued on the opposite party no. 2 but the notice



was received by her nephew for which a jointness application was filed and thereafter the notice was treated to be validly served.

4. It is submitted that the said submission has been made only with a view to bring to the notice of the Court that in the case of Sanjay Singh notices were issued on opposite party no. 2 but she chose not to appear and contest.

5. 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 Sanjay Singh along with the petitioner came there and forcibly took her to upgraded middle school and thereafter Sanjay Singh forcibly put her down and petitioner committed rape and when her brother along with the villager Dudhnath Singh came they raised objection and tried to apprehend the accused persons but they succeeded in fleeing away after assaulting him.

6. Learned counsel for the petitioner submits that the date of occurrence is 22.08.2021 and the complaint case 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 Sanjay Singh @ Sanjay Kumar Singh was granted the privilege of anticipatory bail by an order dated 11.07.2024 in Cr. Misc. No. 18018 of 2024. It is further submitted that petitioner will not abscond rather will cooperate in the trial.

7. Mr. Chandra Bhushan Prasad learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. 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.

9. 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 shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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