

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2624 of 2024

Arising Out of PS. Case No.-21 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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LAKHAN MAHALDAR @ LAKHAN MANDAL SON OF BILLU @
BILLU MAHALDAR RESIDENT OF VILLAGE - MILKI, RANGHARA,
POLICE STATION - MIRGANJ, DISTRICT - PURNEA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GOURI DEVI WIFE OF CHHOTU PASWAN RESIDENT OF VILLAGE -
MILKI,POLICE STATION - MIRGANJ, DISTRICT - PURNEA, MOB.
NO. - 7061917007

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bijendra Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan
For the Respondent No. 2	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-08-2024 1. Heard learned counsel for the appellant, learned

Special PP for the State and the learned counsel appearing on

behalf of the respondent no. 2.

2. The learned counsel for the appellant submits that
appellant has been falsely implicated in the present case by the
complainant. It is next submitted that complainant earlier had
filed Complaint Case No. 197 of 2021 in which he was granted
bail on surrender by the learned Trial Court. It is further
submitted that from perusal of the allegation as alleged in
Complaint Case No. 197 of 2021, it would manifest that the
allegations, if not akin are similar to what has been alleged in



the instant complaint case in which appellant is seeking anticipatory bail. It is also submitted that allegation is of attempt of rape in both the complaint cases and the date of occurrence and the time is also same. It is next submitted that it becomes very easy for a complainant to implicate someone in a criminal case by filing a complaint case by bringing two witnesses for the reason that the learned Trial Court does not have the wherewithal to inquire or investigate at the time of recording the evidence of the witnesses and the complainant for the purposes of taking cognizance. It is next submitted that in the present case also, the learned Trial Court took cognizance of the offences under Sections 384, 376, 511 and 120(B) of the Indian Penal Code read with Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. The learned counsel appearing on behalf of the respondent no. 2 is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant rather fairly submits that the nature of allegation and the time of occurrence is similar in both the cases, but since cognizance has been taken, as such, the privilege of anticipatory bail may not be extended to the appellant.

4. In view of the submissions made by the learned



counsel appearing on behalf of the respondent, the appeal is disposed of with a direction to the appellant that if the appellant surrenders on or before 09.09.2024, the learned Trial Court on the same day shall dispose of the case keeping in mind the facts of the case as recorded hereinabove.

(Satyavrat Verma, J)

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