

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42494 of 2024

Arising Out of PS. Case No.-1602 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Arvind Sah @ Amrendra Kumar S/o Basant Sah R/o vill - Rasulpur Fatah,
P.S. - Goraul (O.P. Kathara), Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/o Rakesh Paswan R/o vill - Rasulpur, Fatah, P.S. - Goraul (O.P. Kathara), Distt. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the informant	:	Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-09-2024 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the complainant.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offence punishable under Section 354 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. It is next submitted that informant alleges that her husband and father-in-law earn their livelihood by plying rickshaw at Patna and the petitioner is an affluent person and acts inappropriately with her, further, on 23.06.2018 at 7:30 P.M. when complainant



had gone to attend the call of nature when petitioner along with two of his friends came and started acting inappropriately with her and dashed her on the ground and after removing her undergarment attempted to commit rape.

4. The learned counsel 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 complaint, it would manifest that allegation is of attempt but then cognizance was taken under Section 354 of the I.P.C. It is further submitted that complainant in her examination-in-chief had stated that there is a land dispute between her and the petitioner, as also stands recorded in the order impugned. It is thus submitted that on account of dispute relating to land, the present false case came to be instituted. It is next submitted that purposely an FIR was not instituted or else the matter would have been investigated and the truth would have come to the fore.

5. The learned A.P.P. and the learned counsel appearing on behalf of the complainant opposes the anticipatory bail application but then are not in a position to rebut the submission of learned counsel appearing on behalf of the petitioner that there is an admitted land dispute between the



parties.

6. 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 withing a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Vaishali At Hajipur in connection with Complaint Case No. 1602 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The applications stands allowed.

(Satyavrat Verma, J)

sanjeev/-

U		T	
---	--	---	--

