

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45074 of 2024

Arising Out of PS. Case No.-1231 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Amarjeet Rai @ Amarjeet Kumar Rai SON OF MOTI RAY @ MOTI LAL
RAY VILLAGE- LARUA, PS- TAJPUR (HALAI OP) , DIST-
SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MUNNI DEVI WIFE OF VASUDEV RAY VILLAGE- LARUA, PS-
TAJPUR (HALAI OP) DIST- SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Roy
For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 24-07-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Complaint Case No. 1231 of 2022 (Trial No. 1397 of
2024), in which cognizance has been taken for the
offences punishable under Sections 376/341/323/504 of
the Indian Penal Code.
3. As per the allegation made in the complaint, on
14.07.2022, in the night at about 11 PM, when the
complainant went outside for attending nature's call, the



petitioner, standing there, caught the complainant, took her in a bamboo clump and raped upon her.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous land dispute. For the same occurrence, the complainant has lodged Mahila Police Station Case No. 57 of 2023, dated 08.07.2023, which was registered for the offences punishable under Sections 354-B/341/342/323/504/506/509/34 of the Indian Penal Code. There is apparent contradiction in the allegation made in the complainant as well as the allegation made in the First Information Report of Mahila Police Station Case No. 57 of 2023 inasmuch as in the complaint, the complainant has alleged that she was raped by the petitioner, but in the First Information Report of Mahila Police Station Case No. 57 of 2023, the allegation is that on 14.07.2022, in the night when the complainant went outside, the petitioner caught hold the hand of the complainant and tried to commit rape upon her. The police investigated the matter and submitted charge sheet in Mahila Police Station Case No. 57 of 2023 under bailable sections only. However, the learned Magistrate, differing with the police



report, took cognizance under Section 376 of the Indian Penal Code also. The police has given the petitioner privilege of Section 41-A of the Code of Criminal Procedure, 1973, in Mahila Police Station Case No. 57 of 2023.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that for the occurrence which has taken place on the same date and time, a complaint as well as the First Information Report has been filed by the complainant having discrepancy in the statement and in Mahila Police Station Case No. 57 of 2023, the police has given benefit of Section 41-A of the Code of Criminal Procedure, 1973, to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Samastipur, in



connection with Complaint Case No. 1231 of 2022 (Trial
No. 1397 of 2024).

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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