

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47057 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- BENIPATTI District- Madhubani

Pappu Jha @ Santosh Jha @Santosh Kumar Jha S/O kalikant Jha R/O
Village-Benipatti, P.S.-Benipatti, Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. along with learned counsel appearing on behalf of the
informant.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 341, 342,
323, 308, 376, 493, 379, 504, 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases but then those cases are
arise from election disputes. It is next submitted that the
informant alleges that petitioner is sexually exploiting her for
the past two years on pretext of marriage. It is next alleged that
the informant is having land dispute with her brother and
petitioner was introduced to her through an unknown person, as
a political leader, who will sort out all her dispute. Further, on
08.03.2024, when informant went to take few papers, related to



land from the petitioner, who had kept her land papers, when it is alleged that the petitioner confined her inside a room and went away, and thereafter, came in a drunken state, after sometime along with his friends and forcefully established physical relation with her for three days after tying her hand and legs and also snatched her mobile and jewellery. Further, when the informant fled, the petitioner tried to chase her and tried to strangle her but somehow she escaped on intervention of local people.

4. The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that same does not inspire confidence. It is next submitted that informant by instituting the instant F.I.R. gives an impression that the petitioner on pretext of marriage was physically exploiting her but then has concealed a relevant fact that she was already married from before and had a child from her marriage and was also contesting a judicial separation. It is further submitted that informant was having dispute relating to land with her brother as such she had come to meet the petitioner and thereafter started meeting and on account of frequent meeting both developed liking for each other. It is also submitted that no doubt the petitioner initially was not knowing



that the informant was married from before and had a child but when he came to know that informant was married from before and had a child from her earlier wedlock and was also contesting a judicial separation, as such, the petitioner distant himself and thereafter the instant false case came to be instituted with an allegation that informant was raped by the petitioner and his friends. It is also submitted that it is very easy to allege rape but it is very difficult to prove. It is next submitted that though the informant alleges that she fled from the place of occurrence when petitioner chased and tried to strangle her but then she was saved on intervention of well wishers but then name of the persons who saved her is not disclosed in the F.I.R. nor the name of the person who introduced the informant to the petitioner is disclosed in the F.I.R., which casts an aspersion on the case of prosecution. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the



petitioner that informant was married from before and had a child from the said wedlock and was also contesting a judicial separation.

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 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 trial court where the case is pending/successor court in connection with Benepatti P.S. Case No.57/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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