

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55127 of 2024

Arising Out of PS. Case No.-899 Year-2023 Thana- COMPLAINT CASE District- Jamui

Birendra Das @ Virendra Ravi Das Son of Wazir Das Resident of Village -
Lakhai, P.S.- Barhat, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Devi Wife of Vinod Ravidas Resident of Village - Lakhai, P.S.-
Barhat, District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Complaint Case No. 899(C) of 2023 in which cognizance has been taken for the offences punishable under Sections 354 and 354(A) of the Indian Penal Code.

03. As per prosecution case, when the husband of the complainant was not in his house, the petitioner entered into his house and threatened the informant with country made pistol and committed rape with her. When the petitioner was being taken for *Panchayat*, the petitioner and other co-accused



persons looted the house of the complainant and threatened the husband of the complainant

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Though the complaint has been registered under Section 376 and other provisions of IPC, the learned trial court took cognizance only against the petitioner under Sections 354 and 354(A) of IPC. There is admitted land dispute between the parties and petitioner is the brother of father-in-law of the complainant. Earlier also complainant lodged Barhat P.S. Case No. 127 of 2023, in which the petitioner has been enlarged on bail. There is a partition suit pending between the parties vide Partition Suit No. 42 of 2022 and in order to pressurize the petitioner, this false case has been lodged. Learned counsel further submits that the story of complainant is not believable that her sons were playing at *verandah* of his house and even then the petitioner committed rape, which has been disbelieved by the learned trial court. The whole prosecution story is not believable and the learned trial court did not take cognizance against other co-accused persons.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false implication in the background of land dispute, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/court concerned, Jamui in connection with Complaint Case No. 899(C) of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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