

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67135 of 2024

Arising Out of PS. Case No.-580 Year-2022 Thana- KUDHNI District- Muzaffarpur

=====

Raja Kumar Son of Ratan Sahni Resident of Village- Chandrahatti, P.S.-
Kurhani, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-10-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Kudhani (Kudani) PS case no. 580 of 2022,
disclosing offences punishable under Section 376 and other
allied sections of the Indian Penal Code.
3. The prosecution story, as per the allegation made in
the Complaint-cum-First Information Report, is that on
29.06.2022, in the night at about 11 O'clock, petitioner along
with co-accused Sujit Sahni entered into the room of the
complainant's daughter-in-law, armed with pistol and knife and
attempted to commit rape upon her. It has further been alleged
that they were confined in a room by the complainant but in the
meanwhile, other accused persons came to the house of the



complainant and rescued petitioners no. 1 and 2 and assaulted the complainant and her family members.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to previous dispute regarding drainage between families of the petitioner and complainant, as they are next door neighbour. Learned counsel further submits that a complaint was earlier filed by the mother of the petitioner against complainant-cum-informant and other family members on 13.09.2021 and in retaliation of the same, the present complaint, based upon concocted story, has been filed against the petitioner and others. He also submits that there is inordinate delay in lodging the complainant, inasmuch as from the complaint petition itself, it would be evident that occurrence has taken place on 29.06.2022 but complaint has been filed on 10.08.2022, which was later on converted into F.I.R. under Section 156(3) Cr.P.C.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation, the delay caused in lodging the complaint and the fact that both parties are close door neighbours having previous dispute between them, I am inclined to grant the privilege of anticipatory bail to the petitioner.



6. This application is, accordingly, allowed.
7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, 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 A.C.J.M.-Ist, West, Muzaffarpur in connection with Kudhani (Kudani) PS case no. 580 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

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

