

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71076 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- JALALGARH District- Purnia

1. Md. Shamshad, son of Late Doman, Village- Dimiya Ps- Jalalgarh Dist- Purnea
2. Raushan Ara @ Roshan Ara, wife of Md. Shamshad, R/O Village- Dimiya Ps- Jalalgarh Dist- Purnea
3. Sonam Parween, D/o- Md. Shamshad, Village- Dimiya Ps- Jalalgarh Dist- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Dr. Bidhu Ranjan, Advocate
For the State	:	Mr.Mohammed Arif, APP
For the Informant	:	Mr.Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Jalalgarh P.S. Case No. 93 of 2023 registered for the offences punishable under Sections 376 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioners is to commit rape upon complainant/informant while she was sleeping in her house on 20.06.2020 at about 10:00 P.M.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated with the



present case out of land dispute for which a mutation appeal bearing No. 45 of 2020-21 is pending before the appellate court of mutation. It is pointed out that the alleged occurrence is of 20.06.2020 for which a complaint was filed on 21.09.2022 after a gap of about two years and three months, which was sent to police under Section 156(3) of the Code of Criminal Procedure (in short the “Cr.P.C.”) by concerned jurisdictional Magistrate to lodge F.I.R. Learned counsel submits that petitioners are men of clean antecedent.

5. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer of anticipatory bail, submitted that the victim supported the occurrence through her statement recorded under Section 164 Cr.P.C.

6. In view of the aforesaid factual submissions and by taking note of the fact as the present complaint case was lodged after an inordinate delay of two years and three months of the occurrence where the land dispute is an admitted position between the parties, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Jalalgarh P.S. Case No. 93 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further condition:

- (I) That accused/petitioners shall not interfere in investigation of the case and tamper with the evidence during pendency of the trial.*
- (II) That accused/petitioners shall not interact with the victim/informant and also prosecution witnesses in whatsoever manner till conclusion of trial, failing which the State/informant be at liberty to move before the trial court itself for cancellation of bail bond of the accused/petitioners.*
- (III) That accused/petitioners shall co-operate in course of trial on each and every date fixed by the trial court and their absence on two consecutive dates without sufficient reasons, shall invite cancellation of their bail bond by the concerned court.*

(Chandra Shekhar Jha, J.)

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