

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79072 of 2024

Arising Out of PS. Case No.-251 Year-2024 Thana- AAJAM NAGAR District- Katihar

Salek @ Md. Salauddin son of Md. Makbul @ Makbul Hussain village-
Dhumnagar Ward no. 9, ps- Azamnagar, Dist- katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-12-2024 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 Azamnagar Police Station Case No. 251 of 2024, disclosing offences under Sections 64, 62, 115(2), 303(2), 3(5) of Bharatiya Nyaya Sanhita Act, 2023.

3. As per prosecution case that on 09.07.2024, when the informant's elder sister went for medical checkup, leaving her two children under the supervision of the informant, in the morning at about 10:00 AM, when the informant was sleeping in the room, the petitioner entered into her room and tried to commit rape upon her and when the mother-in-law of the elder sister arrived there, then the petitioner and all other accused persons started assaulting the informant and snatched her



ornaments.

4. Learned Counsel for the petitioner submits that the brother-in-law of the informant, who is co-sharer of the petitioner's family, demanded partition in the properties from the petitioner's father and upon refusal, the present FIR has been lodged in order to put pressure upon the family members for partition. The entire family members of the petitioner have been made accused, total six in numbers in the present case. It is next contended that the informant is a married lady and having marriage discord with her husband, for which she had lodged an FIR Azamnagar (O.P. Salmari) P.S. Case No. 247 of 2023 under Sections 341, 323, 498(A), 504, 506 and 34 of the Indian Penal code. Subsequently, she got divorced by her husband. The allegation of attempt to commit rape is completely concocted and malafide.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the entire family members of the petitioner have been made accused and there appears to be partition dispute between the parties, 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 four 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 Chief Judicial Magistrate, Katihar, in connection with Azamnagar Police Station Case No. 251 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Jyoti Kumari/-

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