

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86551 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- RAJAPAKAR District- Vaishali

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AMAN KUMAR SON OF RAMESH PRASAD RAY R/O VILLAGE -
WARD-06, RAJA PAKAR, P.S.- RAJA PAKAR, DIST.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-01-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Rajapakar PS case no. 236 of 2023, disclosing offences punishable under Section 354 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information report, is that on 24.06.2023, while the informant along with his wife was away from home leaving behind differently abled daughter aged about 30 years old, alone at the home, the petitioner along with other accused person entered into the room of the daughter of the informant and tried to outrage her modesty.
4. Learned Counsel for the petitioner submits that



victim is own Phua (aunt) of the petitioner and there is land dispute between the two families, inasmuch as both the parties share a common courtyard on the basis of oral partition and there is no partition by metes and bounds, due to which, dispute used to arise between them. It is further submitted that the petitioner is a handicapped boy having 40% disability in left leg. It is next submitted that FIR has been lodged after a delay of 4-5 days, inasmuch as occurrence has allegedly taken place on 24.06.2023 but FIR has been lodged on 29.06.2023. He also submits that proceeding under Section 107 Cr.P.C. was also initiated between the informant and his other relatives bearing Non FIR no. 100 of 2020.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, both the parties are related and there is a delay of 05 days in lodging the FIR, 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 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 Judicial Magistrate-1st class-cum-Additional Munsif 7th, Vaishali at Hajipur in connection with Rajapakar PS case no. 236 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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