

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6851 of 2024**

Arising Out of PS. Case No.-86 Year-2019 Thana- RAUTARA District- Katihar

Md. Ajfar @ Ajfar Alam S/O Md. Hazarat Ali Resident of Village- Kadwa  
Chanpi, Ward No. 12, P.S. Rautara, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      17-02-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Rautara P.S. Case No. 86 of 2019, registered on 30.07.2019 for the offences under Sections 376/511, 448 & 354B of the Indian Penal Code.

3. As per prosecution case, petitioner entered into the house of the informant in the night and tried to commit rape with her and tore her clothes and fled away when the informant raised alarm.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and no occurrence as alleged has ever taken place. The petitioner and the informant are agnates and the petitioner is



nephew of the informant and prosecution story is not believable. The FIR has been instituted after four days of the alleged occurrence and there is no plausible explanation for the delay. After investigation the police did not find the case against the petitioner and submitted a closure report. However, the learned court below took cognizance under Sections 448 and 354B of the Indian Penal Code against the petitioner. Learned counsel further submits that the present case has been lodged in the background of the fact that father of the petitioner has filed Complaint Case No. 2698 of 2014 against the husband of the informant under Sections 323, 504, 379/34 of the Indian Penal Code and due to land dispute the present case has been lodged. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the background of earlier 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties



of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Katihar/concerned court in connection with Rautara P.S. Case No. 86 of 2019, subject to the condition as 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)**

DKS/-

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