

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34498 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- ALOULI District- Khagaria

Shankar Ram S/O Late Basudev Ram Village- Manikchak, Ukhraura, PS-
Bahadurpur, (Alauli), District- Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Adv

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with Alauli P.S.

Case No. 361 of 2024 registered for the offences under Sections
126(2), 115(2), 76, 303(2), 352, 351(2)(3) and 3(5) of the
Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody
since 24.03.2025.

4. The allegation against the petitioner is to commit
dacoity in the house of informant along with other co-accused
persons and while committing so taken away cash of Rs. 52,000/-
and silver jewellery of 25 *bhar*, which was subsequently given to
the other co-accused guarding door and thereafter petitioner
returned to room and made an attempt to commit rape upon
informant and when she raised alarm her mother-in-law and
daughters came there. Petitioner left his one sandal in the house
house of informant. The occurrence was reported to police helpline



112 by the daughter of informant.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case due to land dispute related with a plot bearing khata no. 242 and khesra no. 597. It is submitted that for the removal of encroachment over said land matter is pending between the parties as DB Case No. 162 dated 03.04.2017 before C.O. Alauli. It is pointed out that in the succeeding year father-in-law of informant lodged false criminal case against this petitioner which was registered as Alauli (Bahadurpur) P.S. Case No. 81 of 2018, where almost similar allegation *qua* theft and dacoity was raised against this petitioner and family members. Subsequently in year 2024 present false case was lodged against petitioner by informant, who is none but the daughter-in-law of the informant of Alauli P.S. Case No. 81 of 2018.

6. Arguing further, it is submitted that from the bare perusal of FIR it can be gathered that no rape was committed upon informant/victim, but while recording her statement under Section 164 of the Cr.P.C. victim categorically stated that rape for 2 minutes was committed upon her by petitioner. It is submitted that this major contradiction in itself, makes a doubt *qua* occurrence. It is submitted that nothing transpires during medical examination,



which may suggest that rape was committed upon informant as disclosed by her in statement as recorded under Section 164 of the Cr.P.C. It is submitted that with aforesaid allegation petitioner remains in custody since 24.03.2025. While concluding the argument it is submitted that, petitioner found involved in two more case, where he is on bail and moreover, investigation of this case has already completed, as such, there is no chance of tampering with the evidence.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed aforesaid factual submission. However, it is pointed out that victim raised specific allegation against petitioner in her statement as recorded under Section 164 of the Cr.P.C. that rape was committed upon her by this petitioner.

8. In view of aforesaid factual submission and by taking note of fact as major contradiction *qua* occurrence as FIR itself speaks that no rape was committed upon her, where entire implication raised in the background of civil and criminal litigation initiated by the family member of the informant, coupled with the fact as petitioner remains in custody since 24.03.2025, accordingly above named petitioner, is directed to be released on bail in connection with Alauli P.S. Case No. 361 of 2024 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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