

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57188 of 2025

Arising Out of PS. Case No.-163 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Kamre Alam @ Kamle Alam S/O Md. Tabir Alam @ Tabir Alam Resident of village- Kasava, Kapur Pakari, P.S.- Sikarganj District- East Champaran
 2. Md. Noor Alam @ Noor Alam S/O Anwarul Haque @ Md. Anwarul Haque @ Raju Resident of village- Kasava, Kapur Pakari, P.S.- Sikarganj District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Khatoon W/O Anwarul Haque Resident of village- Kasava, Kapur Pakari, P.S.- Sikarganj District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. C-163 of 2024 (Trial No. 1258 of 2025), registered for the offences punishable under Sections 323, 324, 325, 452, 354-B, 307, 376/511, 147, 148, 149, 504 and 506 of the Indian Penal Code.

3. The allegation against the petitioners is of unauthorizedly entering into the house of the complainant and tried to commit rape upon her. When this fact has been disclosed



to the husband of the informant, he went to the house of the petitioners and made a protest, whereupon, the petitioners along with other co-accused persons variously armed, barged into the house of the complainant and brutally assaulted. It is specifically alleged that petitioner no. 2 assaulted *Amanulla* with *farsa*, due to which he sustained injury in his back side of head.

4. Learned Advocate for the petitioners contended that the alleged occurrence took place on 23.06.2024, but the present complaint case came to be filed on 11.07.2024, without there being any plausible explanation. The petitioner no. 2 is none else but a ward member of the *panchayat* and there was a dispute with regard to the allotment of Pradhan Mantri Awas, which led to the institution of the present complaint. The petitioners side also filed a complaint case bearing Complaint Case No. 191 of 2024, wherein cognizance has also been taken for the offences alleged. Moreover, the learned Court has taken cognizance for the offences punishable under Sections 323, 324, 325, 452, 354(B), 504 and 506/34 of the Indian Penal Code and, as such, the allegation of attempt to commit rape upon the complainant also falls to the ground.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with the delay in filing of the complaint and the order of cognizance, as also the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikarahna at Dhaka, East Champaran in connection with Complaint Case No. C-163 of 2024 (Trial No. 1258 of 2025), subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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