

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66245 of 2025

Arising Out of PS. Case No.-458 Year-2023 Thana- KARAKAT District- Rohtas

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1. Shamim Khan, S/o Late Aas Mohammad Khan
 2. Md. Farid Khan, S/o Late Halim Khan
 3. Md. Rasid Khan, S/o Late Halim Khan
- All are Resident of Village-Jorawarpur, Police Station-Karakat, District-Rohtas
- Petitioners
- Versus
- The State of Bihar
- Opposite Party
-

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-11-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Karakat P.S. Case No.458 of 2023 registered under Sections 341, 323, 354-B, 376, 379, 456, 504 and 511 read with 34 of the Indian Penal Code.

3. As per FIR, above-named three petitioners along with other nine named co-accused entered into the house of informant on 28.12.2023 in night and made an attempt to commit rape upon her. The aforesaid alleged criminal trespass was done including female co-accused also. The informant is



30 years old and agnate of petitioners. It is also alleged that during occurrence, cash of Rs. 9 lakhs was taken away by accused persons including petitioners from the house of informant.

4. It is submitted by learned counsel appearing for the petitioners that the present allegation raised by informant in the background of land dispute for which a proceeding was initiated under Section 107 of the Code of Criminal Procedure (in short 'CrPC') by petitioners' side, which is pending before the court of S.D.O., Bikramganj as Case No.718/2023. It is also pointed out that petitioners' side was apprehending this type of criminal implication by informant and for said reason, an Informatory petition under Section 39 of the CrPC was already filed before learned A.C.J.M.-I, Bikramganj, Rohtas vide Informatory Petition No.496/2022 dated 10.06.2022. It is further pointed out by learned counsel that twelve co-accused persons including family members *qua* agnates after entering criminal trespass would made an attempt to commit rape cannot be believed by any prudent imagination. It is submitted that the allegation of theft *qua* Rs. 9 lakhs was also



raised in the background of land dispute. It is submitted that the informant is habitual to lodge this type of case against the petitioners and, therefore, the petitioners are accused in two more criminal cases with same informant otherwise, the petitioners are men of clean antecedent

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as *prima facie* the implication for attempt of rape appears raised in the background of land dispute, as discussed aforesaid, where informant is under habit to file such criminal cases against petitioners, who are none but the agnate, accordingly, all above-named three petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Karakat P.S. Case No.458 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2)



of the Bhartiya Nagrik Suraksha Sanhia, 2023 (in short
‘BNSS’).

(Chandra Shekhar Jha, J.)

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