

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76021 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Birendra Kumar Mahto Son of Late Chanchal Mahto village- Pand, Ward no. 10, Ps- Dalsingh Sarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Ranjan
For the State	:	Mr. Nawal Kishore Prasad
For the informant	:	Mr. Mahendra Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 308-04-2025
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Dalsingsarai Police Station Case No. 221 of 2024, dates 12.07.2024, disclosing offences punishable under Sections 64(1)/351(1) of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case, as per the First Information Report, is that on 11.07.2024, while the informant had gone to attend the nature’s call, the petitioner, on the point of pistol, committed rape upon her.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on



account of dispute regarding money between the parties. He next submits that the sister-in-law (gotni) of the informant executed a power of attorney in favour of the petitioner for looking after the landed property and for making construction on 30.06.2021 (Annexure 2), in which the husband of the informant has also signed as one of the witnesses. He next submits that pursuant to the power of attorney given to the petitioner, the petitioner made construction over the land in question and incurred an amount of Rs. 4,00,000/-, which the petitioner demanded from the sister-in-law and husband of the informant, but the same was denied. The petitioner also filed an informatory petition on 27.12.2023, apprehending that a false case may be filed against him. The petitioner lodged Complaint Case No. 13 of 2024 on 06.01.2024 against the informant and others, in which cognizance has been taken by the learned Magistrate on 13.09.2024. The false and concocted First Information Report has been lodged by the informant in order to harass and to misappropriate the amount incurred by the petitioner in construction over the land in question by him pursuant to the power of attorney. The occurrence has taken place on



11.07.2024 and medical of the informant was done on 12.07.2024, but no sign of rape was found by the doctor.

5. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that there is specific allegation in the First Information Report that the petitioner has committed rape upon the informant and further the informant has supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He next submits that the money dispute, if at all was there, was with the informant's sister-in-law and not with the informant.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there was fiduciary relationship between the petitioner and family member of the informant, in which the informant's husband was one of the signatory, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of



four weeks from today, 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 Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur, in connection with Dalsingsarai Police Station Case No. 221 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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