

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88494 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- MAHILA PS District- Gopalganj

Munna Sah, aged about 28 years, Male, son of Late Vishwanath Sah, resident
of Village- Rajpur Jhanki, P.S.- Sripur, District- Gopalganj
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Dharmveer, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP
For the Informant : Mr. Chandan Kumar Kashyap, Advocate
Mr. Ghanshyam Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner; learned

Additional Public Prosecutor for the State as well as learned
counsel for the informant, who has appeared *suo motu* by filing
a duly executed *vakalatnama*. Let the *vakalatnama* be kept on
the record.

2. The petitioner apprehends arrest in connection with
Gopalganj Mahila PS Case No.24 of 2024 dated 28.06.2024,
instituted under Sections 341, 323, 354, 376, 387, 504, 506/34
of the Indian Penal Code.

3. The prosecution case, in short, is that the victim
was staying at the house of her sister in connection with her
undergoing treatment for TB. While she was staying in her
sister's house, the petitioner, who is the brother-in-law of her



sister, used to tease and threaten her that if disclosed to anyone, he would kill her and her brother-in-law. The victim did not tell anything to anyone due to fear. On the alleged date of occurrence, when she was sleeping alone in her sister's new house after taking dinner, the petitioner entered in the house; caught her and gagged her mouth and thereafter committed rape with her forcibly. Thereafter, the informant told her sister about the incident and when her sister and brother-in-law went to enquire, the petitioner, his wife and mother abused them and also assaulted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the victim is the sister-in-law of elder brother of the petitioner. There is civil dispute between the parties. Now, with the intervention of well wishers and family members, good sense has prevailed between the parties and a compromise petition along with permission petition has also been filed in the Court below. Further submission is that the deponent of this application is the elder brother of the petitioner, who is brother-in-law of the victim. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP submits that appropriate order may be



passed in view the fact that good sense has prevailed between the parties and both the sides are close agnates. Learned counsel for the informant, who has appeared *suo motu*, submits that both the sides have compromised the matter out side the Court and thus, the petitioner may be released on anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Gopalganj, in Gopalganj Mahila PS Case No.24 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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