

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.496 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- BAISI District- Purnia

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1. Md. Shamsheer @ Shamsheer S/O Md. Salim @ Salim Resident of Village- Talbari, Sathiyari, PS- Baisi, District- Purnia
 2. Md. Salim @ Salim S/O Late Md. Gyasuddin Resident of Village- Talbari, Sathiyari, PS- Baisi, District- Purnia
 3. Md. Akhtar @ Akhtar S/O Late Md. Tahir Resident of Village- Ghuski Tola, PS- Baisi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad
For the Opposite Party/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Dilesha Kumari Mr. Kumar Rajdeep
For the State	:	Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 25-02-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Baisi Police Station Case No. 239 of 2024, dated 20.08.2024, disclosing offences under Sections 70(1) of the Bharatiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that on 26.01.2023, the petitioners came at the house of the informant and demanded a sum of Rs. 2 Lakh as help in the business of the petitioner no. 1 with the promise that after one year a sum of Rs. 2,50,000/- shall be returned. After one year when the informant's husband



demanded his money back, the petitioners made excuses.

On 11.08.2024, at about 02:00 PM, the petitioner nos. 1 and 3 arrived at the parental house of the informant while her parents were not at home and taking advantage of the situation, they entered into the house of informant and committed rape, made video of the incident and threatened her not to disclose the same to anyone. In the meanwhile, informant's parents and other family members returned back and saw that the petitioner nos. 1 and 3 fleeing away in haste.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and that they have falsely been implicated in this case due to money dispute between the parties. He further submits that earlier on 28.02.2024, the brother of the informant, who is village doctor, came at the house of wife of the petitioner no. 1 in order to administer injection and taking advantage of the situation, the informant's brother administered intoxicant due to which she became unconscious and the informant's brother, namely, Md. Enam, committed rape upon her for which First Information Report, bearing Baisi Police Station Case No.



40 of 2024, was lodged on 02.03.2024 and the Md. Enam was taken into custody and he remained in custody till he was granted bail in October, 2024. An informative petition was filed by the side of the petitioners against the informant's brother, stating therein, that their family have life threat by him and they may be implicated in false case.

5. On the other hand, learned senior counsel for the informant opposed the prayer for anticipatory bail and submits that upon statement made in the First Information Report, prima facie case is made out against the petitioners and further the petitioners in order to create defence before committing offence lodged informative petition. He further submits that First Information Report lodged by the wife of the petitioner no. 1 alleging rape upon her by brother of the informant, bearing Baisi Police Station Case No. 40 of 2024, was lodged in the month of March, 2024, for an occurrence which took place on 28.02.2024 and it is highly improbable that in retaliation the First Information Report will be lodged after about six months and that too during custody of the accused-informant's brother, as such, the contention of the



petitioners that the present First Information Report has been lodged in retaliation of the First Information Report lodged by the wife of the petitioner no. 1 is highly improbable.

6. I have heard learned counsel for the parties and have gone through the materials on record.
7. Regards being had to the submissions made by the parties and taking into consideration the fact that prior to lodging of the present First Information Report, another First Information Report was lodged by the wife of the petitioner no. 1 against the brother of the informant alleging rape, there appears monetary transactions between the petitioners and the informant's husband and there is no specific allegation of rape against the petitioner no. 2, accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.
8. This application is, accordingly, allowed.
9. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Purnea, in connection with
Baisi Police Station Case No. 239 of 2024, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Anil Kumar Sinha, J)

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