

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32735 of 2025

Arising Out of PS. Case No.-417 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Raghubir Mandal S/o Late Fulo Mandal Resident of Village- Harinkol, Post-
Bishanpur, Police Station- Barari(Semapur), District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Budhiya Devi W/o Arjun Mandal Resident of Village- Harinkol, Police
Station- Barari(Semapur), District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 08-01-2026 Heard learned counsel for the petitioner and learned

APP for the State.

2. The accused-petitioner, named in the F.I.R., is

apprehending his arrest in connection with C.A. No. 417 of

2022 registered for the offences punishable under Sections

376 & 506 of the Indian Penal Code.

3. The allegation against the petitioner is to commit

rape upon the complainant/informant.

4. Learned counsel appearing on behalf of the

petitioner submitted that a complaint petition was filed before

the learned C.J.M., Katihar bearing No. 620/2016 on



28.03.2016 by this petitioner, where Dilip Mandal was one of the accused. It is submitted that another criminal complaint was already lodged in the year 2009 bearing No. 2338/2009, where Shiv Pujan Mandal and Mahendra Mandal, who are the inquiry witnesses of this case was made accused by this petitioner.

5. In this context, it is further submitted that Arun Kapri, who is another inquiry witness of the case, against whom the petitioner already initiated money suit which is pending before the court below as Money Suit No. 03/2021.

6. It is submitted that police, after investigation, submitted final form against the petitioner and did not sent up him for facing trial, but the learned jurisdictional Magistrate differing with the police report took cognizance against the petitioner for the offence under section 376 of the I.P.C.

7. Arguing further, it is submitted that in view of land dispute and previous pending litigations, as discussed aforesaid, apparently the present case, which, upon investigation, found false, have no substance. Explaining criminal antecedent of the petitioner, it is submitted that



petitioner was accused in Barari P.S. Case No. 70/2005, where after facing trial, he was acquitted and as such, he is a man of clean antecedent.

8. It appears from the record that notice was validly served upon opposite party no. 2 in terms of order dated 19.05.2025, but non-appeared on behalf of the victim/opposite party no. 2.

9. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that allegation is specific against the petitioner, but he could not disputed the aforesaid factual submission regarding previous enmity in the background of land dispute.

10. In view of aforesaid factual submission and by taking note of the fact as allegation raised in the background of multiple land dispute for which different complaint cases as well as money suit are pending between the parties, coupled with the fact that police after investigation submitted final form against the petitioner and did not sent up him for facing trial, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this



order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Katihar/concerned court in connection with C.A. No. 417 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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