

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60140 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- KUDHNI District- Muzaffarpur

Md. Javir Shekh @ Jabir Hussain @ Jabir Son of Late Md. Jamaliddin
Resident of Village- Anant Kamtaul, P.s.- Kudhani, O.P. Turki, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No. li

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-02-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Kudhani P.S. Case No. 163 of 2022 registered for the offences punishable under Sections 341, 323, 379, 354-B, 307, 376, 511, 504 and 506 of the Indian Penal Code.

3. The allegation against petitioner is to make an attempt to commit rape upon informant. It also alleged through FIR that this petitioner inflicted knife injuries on husband of informant in the year 2019 making him seriously injured, for which he was treated in Maa Janki Hospital, Muzaffarpur.

4. It is submitted by learned counsel appearing on behalf of the petitioner that husband of the informant is the full brother of this petitioner. It is submitted that for property dispute



present false implication was raised by brother of petitioner making his wife instrumental. It is submitted that even the allegation of inflicting grievous injury in the year 2019 by this petitioner to husband of informant is appearing false on its face as for such heinous offence no FIR was lodged. It is submitted that infact husband of informant assaulted petitioner when he came to his village to settle partition issue of ancestral land, as he was working in Mumbai and for the said act of husband of informant, petitioner lodged informatory petition to SDO, Muzaffarpur. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as face of FIR nowhere suggests that the act of petitioner can be said an attempt to commit rape without having any intervening circumstances, where implication also appears raised in the background of partition of ancestral property, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, West



Muzaffarpur/concerned Court, where the case is pending in connection with Kudhani P.S. Case No. 163 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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