

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43754 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- RAJAUN District- Banka

Nitish Kumar, S/o Janardan Pandit, R/o Vill.- Katiya Jagadishpur, P.S.-
Rajaun , District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Adv.
For the Opposite Party/s : Mr. Murlidhar, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-07-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 279, 376, 511 and 506/34 of the IPC.

The prosecution case, as per the written report of Khusbu Devi, dated 10.01.2018, is to the effect that on 31.12.2017 at 05.30 P. M., the informant along with her husband were returning from market by bicycle, in the meantime, two persons came on a motorcycle and dashed the bicycle of the informant's husband, as a result, the informant and her husband fell down. In the light of the head lamp of the motorcycle, the informant identified the petitioner, Nitish Kumar and co-accused, Pritam Kumar Yadav. It is further alleged that the petitioner, Nitish Kumar started abusing the husband of the informant and co-



accused Pritam Kumar Yadav pushed down the informant and tried to commit rape on her. On alarm being raised by the informant, nearby people came then the accused persons escaped from the scene.

It is submitted by the learned counsel for the petitioner that for the occurrence of 31.12.2017 at 05.30 P. M., the FIR has been lodged on 10.01.2018 at 02.30 P. M. The thrust of accusation is against the co-accused Pritam Kumar Yadav. The written report does not suggest that the victim underwent any medical examination. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the delayed lodging of the FIR and the and the fact that the victim did not undergo medical examination, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of
learned C.J.M., Banka, in connection with Rajaun P. S. Case No.
15 of 2018 subject to the condition as laid down under Section
438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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