

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34863 of 2019

Arising Out of PS. Case No.-293 Year-2018 Thana- KAMTAUL District- Darbhanga

NANDAN KUMAR @ NISHANT KUMAR Son of Sri Ram Naresh Thakur
Resident of Village - Kamtaul Pachhiyari Tola, P.S.- Kamtaul, Distt -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babita Kumari

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-08-2019

This application, for grant of anticipatory bail, arises out of Kamtaul P.S. Case No. 293/18, disclosing offences under Sections 341, 323, 354, 354B, 356A/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

Allegation against the petitioner is that while the daughter of the informant was returning to her house, the petitioner thrashed her on the ground and tried to commit rape upon her and on her cry, near by people assembled and petitioner fled away.

Submission of learned counsel for the petitioner is that there is dispute between the cousin brother of the petitioner and the informant with respect to election of Sarpanch and due to which, earlier also a case was lodged against the petitioner, in



which, he has been granted the privilege of anticipatory bail and, thereafter, this false and concocted case has been lodged.

Learned counsel for the State opposed the prayer for bail and submitted that the witnesses have supported the allegation and they appear to be eye witness of the occurrence.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case as well as after considering the submission of learned counsel for the petitioner that there is enmity between the parties with respect to election of Sarpanch, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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