

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47127 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- SAMASTIPUR District- Samastipur

Kunal Anand Son of Ajit Prasad Singh, Resident of Village - Bapunagar
Baluahi, P.S.- Khagaria, District - Khagaria.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-10-2019 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Samastipur (Town) P.S. Case No. 86 of
2019 registered for the offences punishable under Sections 376,
511, 328 and 34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the alleged occurrence is said to have taken place on 19.04.2019
in presence of the friends of the informant including one Ravi
Trivedi who happens to be the brother of the friend of the
informant. There is no allegation that any rape was committed,
the allegation is that the accused persons had forcibly entered in
her room and had compelled her to take wine and thereafter they



were trying to forcibly pulling her on which she had cried and thereupon brother of her friend had come there. It is submitted that this petitioner is an employee in the Mahindra Finance Company and he had lodged an FIR on 20.04.2019 i.e. one day before the informant lodged this case. In his FIR the petitioner has alleged that he was over powered by some miscreants while he was on his way with his motorcycle and those miscreants demanded from him a sum of Rs. 5,00,000/- under threat that if he would fail to pay the amount he will be indulged in a rape case.

Learned Senior Counsel submits that the present FIR in which the petitioner is seeking anticipatory bail was lodged on 21.04.2019, in the case diary also there is no plausible explanation as to why the FIR has been lodged after about three days that too when the male member being the friend of the informant was present. Further from the medical report enclosed as Annexure '2' to the present application it has been shown that the doctors have not found any sign of rape and there being no allegation of any rape has been committed upon the informant, this being a case of false implication and not having any criminal antecedent, the petitioner deserves the privilege of anticipatory bail.



Learned APP for the State has opposed the prayer for anticipatory bail, however, while going through the case diary learned APP has not placed any material before this Court to demonstrate that any independent witness has been examined in support of the allegations and further that why after about three days the FIR has been lodged that too when this petitioner has lodged the FIR on 20.04.2019 giving a completely different version of the allegation.

In the given facts and circumstances of the case, let in the event of his arrest or surrender within a period of four weeks from today the petitioner above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Samastipur (Town) P.S. Case No. 86 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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