

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86846 of 2019**

Arising Out of PS. Case No.-418 Year-2019 Thana- RAJIVNAGAR District- Patna

VIKASH KUMAR, S/o Sia Saran Prasad, Resident of Road No.19, Rajeev
Nagar, P.S.- Rajeev Nagar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Roona, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 24-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 325, 354, 376, 511, 504, 506, 509 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Lalita Devi submitted before the Station House Officer, Rajiv Nagar Police Station is to the effect that on 17.08.2019, at about 8.00 P.M., co-accused, Pravin Kumar, forcibly entered into the grocery shop of the mother-in-law of the informant and on the point of dagger, demanded extortion money from her. When the brother-in-law of the informant, Vivekanand Kumar tried to rescue her, then co-accused, Pravin



Kumar assaulted with dagger to the brother-in-law of the informant and he also assaulted on the head of the mother-in-law of the informant and took away Rs.5000/- kept in cash box. It is further alleged that subsequently, co-accused, Pravin Kumar along with the petitioner, Vikash Kumar came and knocked the door and tried to ravish the informant.

It is submitted by learned counsel for the petitioner that the accusation of assault has not been levelled against the petitioner, rather it has been levelled against co-accused, Pravin Kumar. The petitioner is only alleged to have made an attempt to ravish the informant along with co-accused, Pravin Kumar, but there is no medical opinion on record to support the allegation. Moreover, there is a counter version of the occurrence also being Rajiv Nagar P.S. Case No. 417 of 2019, lodged by co-accused, Pravin Kumar. It is further submitted that for the alleged occurrence of 17.08.2019, the FIR has been registered on 18.08.2019 which reached to the Court of learned ACJM, on 22.08.2019 suggesting antedating of the FIR. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner along with co-accused, Pravin Kumar made an



attempt to ravish the informant.

Considering the thrust of accusation against co-accused, Pravin Kumar, delayed reaching of the FIR to the learned Court below suggesting antedating of the FIR, there being no medical report to support the accusation of rape against the petitioner coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Patna, in connection with Rajiv Nagar P.S. Case No.418 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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