

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3581 of 2022**

Arising Out of PS. Case No.-30 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

JITENDRA KUMAR Son of Suresh Yadav Resident of Village - Lakhochak,
P.S.- Keul, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chand Verma, Senior Advocate
For the Opposite Party/s:	:	Mr. Arun Kumar Singh, A.P.P.
	:	Ms. Priyanka Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 11-10-2022 Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354-A, 376, 511, 509, 504, 506 and 34 of the Indian Penal Code and Sections 8 and 18 of the Protection of Children from Sexual Offence Act.

The informant alleges that on 23.08.2021 at 1:30 pm while she was going to get her clothes stitched when all of a sudden the accused persons including the petitioner caught her and took her to *bathan* of Dilip Kumar, where from before three named accused persons were present who said to rape her, thereafter Chotu Kumar and the petitioner tried to disrobe her on which she raised alarm but was threatened by Ravi Kumar and



Karu Yadav who were carrying pistol in their hand and Chotu Kumar and petitioner started behaving and touching inappropriately. It is next alleged that the accused persons including the petitioner tried to commit rape, but fled away when villagers gathered.

Learned Senior counsel for the petitioner submits that petitioner is a person with clean antecedent. It is next submitted that from bare perusal of allegation as alleged in the FIR it would manifest that the same does not inspire confidence for the reason that the informant alleges that the accused persons intended to commit rape but no rape was committed. Learned Senior Counsel next submits that if what has been alleged is true then absolutely no occasion for not committing the occurrence by the accused persons, it is next submitted that such allegations have been made only to make out a case under parental pressure as during the course of investigation, it has come that victim was in love with Chotu Kumar and had gone to meet him. Learned Senior Counsel further submits that the date of occurrence is 23.08.2021 and the FIR came to be instituted on 25.08.2021 that is after a delay of two days as such the petitioner came to be implicated by way of after thought. It is further submitted that that petitioner is a young boy aged about



22 years and is married but the police for reasons best known is investigating the case by recording that petitioner is an unmarried person. Learned Senior counsel next submits that even the tenure of the allegation is such that it does not inspire confidence that occurrence in the manner as alleged had taken place.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Lakhisarai (Mahila) P.S. Case No. 30 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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