

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15177 of 2022**

Arising Out of PS. Case No.-229 Year-2021 Thana- SABAUR District- Bhagalpur

RAHUL KUMAR YADAV Son of Nandu Yadav Resident of Village -
Bhaigaon, P.S.- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 12-12-2022 Heard both sides.

The petitioner apprehends his arrest in connection with Sabour (Goradih) P.S. Case No.229 of 2021 (wrongly mentioned as Sanokhar (Amdanda) P.S. Case No.180 of 2018 in the prayer portion of the bail petition), registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 447, 504, 506 and 120(B) of the Indian Penal Code.

As per the allegation in the FIR, the petitioner and another co-accused person used to tease the victim girl and further used to make offer for marrying them. On the fateful day, it is alleged that not only they abused but also assaulted the family members of the informant. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted



that father of the petitioner has also been made accused in the present case. The FIR was lodged after two days of the occurrence without giving any explanation which creates a serious doubt on the veracity of the prosecution case. It is also submitted that the petitioner is a student of B.A. (Part-I).

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner by submitting that similarly situated co-accused has been enlarged on regular bail by a co-ordinate Bench of this Court vide order dated 29.08.2022, passed in Cr. Misc. No.18186 of 2022.

Considering the nature of offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order considering the fact that petitioner is a student of B.A. (Part-I).

(Anjani Kumar Sharan, J)

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