

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38172 of 2022

Arising Out of PS. Case No.-35 Year-2019 Thana- PAUTHU District- Aurangabad

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RAGHVENDRA KUMAR SHARMA @ RAGHVENDRA KUMAR Son of
Dharmendra Sharma Resident of village- Belhadiya, P.s.- Pauthu, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned 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 376, 506 of the Indian
Penal Code.

The informant alleges that on 30.06.2019, she went
along with her mother to her maternal uncle's place where she was
changing her cloths when petitioner came and dashed her and,
thereafter, raped her, it is next alleged that when the victim said
that she would reveal everything to her mother, petitioner
threatened to kill her and her mother but she revealed everything
to her mother, thereafter, when she was going to register a case,
petitioner threatened both of them after which they returned to
their own village and further revealed to her brother after whose



coming back the present case was registered.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the date of occurrence was 30.06.2019 and the FIR was instituted on 8.07.2019, it is also submitted that police after investigation submitted final form in favour of the petitioner but the learned Trial Court differing with the police report took cognizance, learned counsel next submits that when one investigating agency after threadbare investigation has come to a considered conclusion that petitioner is an innocent person then based on the same investigation, the learned Trial Court in a mechanical manner has proceeded to take cognizance, it is next submitted that since one investigating agency has found the petitioner to be innocent, sending him to jail at this stage would amount of travesty of justice, it is also submitted that petitioner will cooperate in the trial.

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 Pauthu P.S. Case No. 35 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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