

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3780 of 2023

Arising Out of PS. Case No.-311 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AWDESH YADAV @ KARI YADAV Son of Mahendra Yadav R/V- Salaha Bujurg, P.S.- Bithan, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jhuniya Devi Wife of Ghanshyam Safi R/V- Salaha Bujurg, P.S.- Bithan, District - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ajay Kumar
For the Opposite Party/s :	Mr. Amitesh Kumar
	Mr. Ranjit Kumar Yadav
	Mrs. Reena Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Complaint Case No.311 of 2021, registered for the offence punishable under Sections 323, 354B of the Indian Penal Code.

The allegation against the petitioner is that he committed rape with the complainant by threatening her on the point of knife.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the complainant filed a complaint case against the petitioner u/s 376 and other Sections of the I.P.C but learned Court below took cognizance under section 323 and 354B of the IPC. He further submits that the petitioner filed a complaint case against the informant and others vide Complaint Case No.175 of 2022, under section 420, 323, 354, 149 of the IPC. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, the petitioner is at liberty to surrender before the learned Court below within a period of six weeks from today and seek for regular bail, and the learned Court below would pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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