

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19555 of 2023

Arising Out of PS. Case No.-1031 Year-2022 Thana- BIHTA District- Patna

CHANDAN KUMAR Son of Kishore Yadav Resident of Village -
Machahalpur Lai, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Bihta P.S.
Case No. 1031 of 2022 registered for the offences punishable
under Sections 120B, 376D & 379/34 of the Indian Penal Code.

All the F.I.R. named accused along with two to
three unknown persons are said to have committed rape against
the informant. Petitioner is not named in the F.I.R.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case on the confessional statement of
co-accused, Prince Kumar. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.
It is further submitted that the incident took place on



07.10.2022 and the statement of the victim was recorded on 12.10.2022. The victim has not mentioned the name of the petitioner even in her statement made under Section 164 Cr.P.C. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State vehemently opposing the bail petition relied on a judgment of the Hon'ble Apex Court in the case of **Indresh Kumar v. The State of Uttar Pradesh and another** reported in **2022 Live Law (SC) 610** and submitted that in view of the aforesaid judgment the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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