

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20488 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Sarwar Ansari @ Baba Son Of Late Nayan Ansari @ Nathihan Ansari R/O
Village- Bari Takiya, P.S.- Chainpur, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Informant : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-07-2023

1. Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 354 and 354(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner gave her lift on motorcycle and after taking her some distance, he tried to remove her *saree* and started outraging her modesty but on alarm people gathered and she was saved.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is



next submitted that petitioner was known to the informant and was treating her husband as he had come in contact with the informant in court where she used to go for pursuing her father's case. It is next submitted that the informant in due course became close to the petitioner and even paid an amount of Rs. 20,000/- for treatment of her husband and when some dispute arose, the present false case came to be instituted. Learned counsel further submits that the date of occurrence is 06.01.2023 and the FIR has been instituted on 09.01.2023 i.e. after a delay of three days which further casts an aspersion on the case of the prosecution that the allegations have been alleged by way of afterthought alleging that an attempt to commit rape was made. It has been further submitted that in the case diary it has come that one Radhe Shyam had come at the place of occurrence when the petitioner fled and the informant disclosed to him about the occurrence but then the FIR, which was instituted after a delay of three days, does not even remotely suggest that Radhe Shyam had come to the place of occurrence.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to meet the submission of the learned counsel for the petitioner that there is a delay of three



days in instituting the FIR.

6. 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 Court below 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 court below where the case is pending/successor court in connection with Bhabua P.S. Case No. 22 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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