

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20490 of 2023

Arising Out of PS. Case No.-130 Year-2021 Thana- CHARPOKHARI District- Bhojpur

NITISH KUMAR @ SHITAL KUMAR @ PAPU S/O DINESH SINGH
Resident of Village- Kharauni, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2023 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 447, 341, 323, 504, 506, 509, 354 and 34 of the Indian Penal Code.

The informant alleges that the petitioner talked with the informant on phone in a vulgar manner on which the informant informed to her mother-in-law but then no action was taken against the petitioner, it is next alleged that on 23.06.2021 when the informant had gone to ease herself when petitioner all of a sudden came and tried to rape her but on *halla* fled away.



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 from perusal of the allegation as alleged in the FIR it would manifest that the date of occurrence is 23.06.2021 and the FIR was instituted after a delay of more than one month on 29.07.2021 which cast an aspersion on the credibility of the prosecution case, it is further submitted that petitioner is nephew of the informant but the said relationship stands concealed in the FIR which further cast an aspersion on the case of the prosecution, it is next submitted on account of dispute relating to land, the present false case came to be instituted.

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 Charpokhari P.S. Case No. 130 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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