

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21749 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- RUPAULI District- Purnia

VIBHASH SINGH S/O LAKHAN SINGH R/O VILLAGE- GWALPARA,
DOBHA MILIK, SADHUWA BASA, P.S- RUPAULI, DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Dhananjay Singh, Adv.

Mr.Bijendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2023 Heard learned counsel for the parties.

Petitioner apprehends his arrest in connection with
Rupauli P.S. Case No.240 of 2022, registered for the offence
punishable u/s 376, 34, 506 of the IPC.

As per the prosecution case, the petitioner and one other
accused person entered into the house of the informant and
forcibly tried to establish physical relation with her and on
protest, threatened to commit murder of her husband.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has 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
leveled against the petitioner is not specific rather general and
omnibus in nature. It is submitted that the alleged occurrence is



said to have taken place on 29.08.2022 but the F.I.R. was lodged on 07.09.2022 i.e. after delay of nine days without giving any plausible explanation for such delay. This itself creates doubt about the prosecution case. It is further submitted that the perusal of the F.I.R. itself shows that the same has been lodged after consulting with parents as an after thought. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that the statement of the victim was recorded u/s 164 Cr.P.C., in which, she has supported the prosecution case.

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

This application is accordingly dismissed.

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

(Anjani Kumar Sharan, J)

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