

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23587 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- SUPPI District- Sitamarhi

Sachin Raut Son of Mangal Raut Resident of village - Marpa Ishwar Das, P.S.
- Suppi, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354(B), 447, 504, 506 and 34 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 on 24.07.2022, while her minor daughter was coming back from coaching on a bicycle, the petitioner pushed her and when she fell down, petitioner molested her, it is next alleged that when the informant along with her husband went to the house of the petitioner, they were assaulted.

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



reason that earlier Suppi P.S. Case No. 238 of 2022 dated 28.07.2022 was instituted by the side of the petitioner against the side of the informant alleging that they brutally assaulted his old grandfather, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the informant has alleged that the petitioner pushed her daughter when she was coming from coaching on a bicycle and when she fell down, he molested, but the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that Sachin (petitioner) attempted to molest her. Learned counsel thus submits that the allegations as alleged in the FIR does not get corroborated by the statement of the victim recorded under Section 164 Cr.P.C., it is next submitted that it absolutely does not stand to reason that if the occurrence had taken place on 24.07.2022 then why the FIR came to be instituted on 28.07.2022 i.e. after a delay of four days which amply demonstrates that the present FIR was nothing but an afterthought to cover up Suppi P.S. Case No. 238 of 2022.

5. Learned counsel for the petitioner next submits that though the impugned order records that the victim in her statement recorded under Section 164 Cr.P.C. has supported the case of the prosecution, but then the victim has not stated that



she was molested rather has stated that an attempt was made and when she raised alarm, the accused fled. The learned counsel next submits that petitioner is a young boy aged about 18 years and in the event, if he is sent to judicial custody then chances are bright that he may come in contact with hardened criminals and his entire career would get jeopardized, when the victim in her statement recorded under Section 164 Cr.P.C. has not supported the case of the prosecution completely.

6. 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 rebut the submissions of the learned counsel for the petitioner that there was a delay in instituting the present FIR and the victim in her statement recorded under Section 164 Cr.P.C. has not stated that she was molested rather has stated that the petitioner attempted to molest her.

7. 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 Suppi P.S. Case No. 237 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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