

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31194 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- RAJEPUR District- East Champaran

Om Prakash Kumar Son of Sachchita Nand Ray Resident of village -
Gosaipur, P.S. - Rajepur, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Harish Chandra Patel, Advocate
For the Opposite Party/s :	Mr. Binay Krishna, APP
	Mr. Uday Prakash Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 31-07-2023 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 341, 323, 354(B), 379, 504, 506 and 34 of the Indian Penal Code read with Sections 6, 8 and 12 of the POCSO Act and 3(1)(r)(s)(w) (VA) of the S.C./S.T. Act.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that Prabhat Kumar and this petitioner tried to commit rape upon his sister and when she raised alarm, the accused persons fled away, it is next alleged that the victim narrated this incident to the informant on which the accused persons,



including the petitioner, became furious and assaulted the informant by taking cast name.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the allegation is not of rape but of attempt, it is further submitted that the entire family members of the petitioners were implicated in the present case. Learned counsel submits that from perusal of the allegations as alleged in the FIR it would manifest that the occurrence did not take place in public view, it is further submitted that the victim did not even get herself medically examined which further casts aspersion on the case of the prosecution.

5. Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for anticipatory bail of the petitioner.

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 Rajepur P.S.
Case No. 104 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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