

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33131 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- PATLIPUTRA District- Patna

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ASHOK KUMAR SINHA SON OF LATE RAMCHANDRA PRASAD
SINHA Resident of Village-At Present-Anand Enclave, Flat no. 303, A.G.
Colony, P.S-Shastri Nagar,District-Patna. R/O-G-6 S.S Enclave Opp.Rakhi
Complex Ashiana Digha Road, P.S-Rajiv Nagar,District-Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. VANDANA KUMARI W/O LATE SUBASH KUMAR R/O Nehru Nagar,
Flat no.503, 2nd floor, P.S.-Patliputra, District-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Adv.
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP
For the Informant	:	Mr.Sumit Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. Petitioner apprehends his arrest in connection with
Patliputra P.S. Case No.37/2023, registered for the offence
punishable u/s 376/504/120(B) of the IPC.

3. As per the prosecution case, the petitioner is said to have
committed rape upon the informant/victim on more than one
occasion and threatened to not disclose it to anyone.

4. 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. It is submitted that petitioner is the brother-in-law (*Nandoshi*) of the informant/victim and in order to grab the property of the mother-in-law, informant has lodged this false case against the petitioner, so that he could not in any manner safeguard the right of the informant's mother-in-law. It is submitted that father-in-law of the informant died in the year, 2022 and before his death, vide Annexure-2 i.e. his Will, he executed his flat in the name of his wife. Husband of the victim had already died in the year, 2016. It is submitted that the mother-in-law of the informant has also filed an application (Annexure-4) before the SDO, Patna Sadar, for protection of her life and rights from the informant and to vacating the flat of her house, in which the victim/informant was residing. It is further submitted that in the F.I.R., there is no mention of date and time of the alleged first particular allegation of rape. The medical report has not supported the allegation of sexual assault upon the victim. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 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 and the witnesses have



also supported the prosecution case.

6. Having regard to the facts and circumstances of the case, considering the nature of allegation and that the victim has supported the prosecution case in her statement recorded u/s 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. 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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