

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46298 of 2023

Arising Out of PS. Case No.-1315 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Niranjan Kumar S/O Jugesh Prasad @ Yogesh Singh R/O Village- Uprauhali,
Ps. Paraiya, Dist. Gaya. At Present Resident Of Mohalla- Dhaniya Bagicha,
Ps. Delha, Dist. Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sushma Kumari W/O Ram Niwas Kumar, D/O Late Kailash Prasad R/O
Village- Parariya, Ps. Tekari And Dist. Gaya (Bihar). At Presently Residing
At Vinay Gali, Near Outiside Of Gaya Railway Station, Ps. Delha, Dist.
Gaya (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in Complaint
Case No.1315 of 2020 registered for the offences punishable
under Sections 354, 354(A), 354(B), 323, 504, 506, 376 and
498(A) of the Indian Penal Code pending in the Court of learned
Judicial Magistrate- 1st Class, Gaya.

3. As per prosecution case, the petitioner is said to



have forcibly made physical relationship with the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that in the complaint petition, it is not clear whether the petitioner has committed the rape with the complainant or not. Complaint petition is filed under Section 354, 354(A), 354(B), 323, 504, 506, 376 and 498(A) of the Indian Penal Code but Court below took cognizance under Section 354, 354(B) and 376 of the Indian Penal Code.

5. Learned APP for the State as well as learned counsel for the complainant are vehemently opposing the bail petition by submitting that the victim has submitted before the police that the petitioner raped with the complainant.

6. Considering the facts and circumstances of case as also the fact that the complainant has stated before the police that the petitioner raped with her, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below



would pass order on the same day in accordance with law
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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