

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47720 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- LADANIA District- Madhubani

NITISH KUMAR @ NITISH KUMAR YADAV Son of Nandlal Kumar
Yadav Resident of Village-Gajhara, Ward No. 5, P.S.-Ladaniya, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Ladaniya P.S. Case No.174 of 2022 registered for the offences punishable under Sections 341, 354(B), 504 and 506/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, on 14.06.2022 at about 12 PM the two minor daughter of the informant went to Chaur where one Nitish Kumar (petitioner) tried to disrobe her younger daughter with wrong intention upon which elder daughter sought then the petitioner also tried to open the pant



of the elder daughter. It is alleged that when the villagers came there the petitioner fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the allegation against the petitioner is full of concoction and fabrication.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the kind of the allegation against the petitioner disclosed in the FIR, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is refused.

7. Learned counsel for the petitioner submits that the informant had lodged the case on the instigation of an enemy of the petitioner and now she has filed a compromise petition in the court of learned A.D.J.-VI-cum-Special Judge, POCSO.

8. Be that as it may, if the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court and in case the informant appears in the court below to support the plea of the petitioner the same may be



considered while passing the order on the regular bail application of the petitioner.

(Rajeev Ranjan Prasad, J)

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