

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51616 of 2022**

Arising Out of PS. Case No.-77 Year-2022 Thana- DALSINGHSARAI District- Samastipur

MANISH KUMAR S/o KAPIL DEV SINGH @ KAPIL SINGH Resident of
village- Shahpur Pagra, P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 27-02-2023 Heard both sides.

The petitioner apprehends his arrest in connection with Dalsingsarai P.S. Case No.77 of 2022, registered for the offences punishable under Sections 341, 323, 376, 511 and 34 of the Indian Penal Code.

The allegation against the petitioner is of making attempt to commit rape upon the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the occurrence took place on 14.02.2022, but the FIR was lodged on 09.03.2022 after delay of more than twenty three days without giving any explanation which creates a serious doubt on



the veracity of the prosecution case. It is submitted that medical report also suggests that no sign of rape was found on the victim girl.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner by submitting that the victim girl has supported the prosecution case in her statement recorded under Section 164 Cr.P.C.

Taking into consideration the fact that FIR was lodged after delay of more than 23 days, let 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 enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Samastipur in connection with Dalsingsarai P.S. Case No.77 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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