

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57065 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- GAURICHAK District- Patna

Nitish Kumar, S/O- Dinesh Ray, R/o- Patanpura, P.S.- Gaurichak, Dist- Patna
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 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 Gaurichak P.S. Case No. 138 of 2023 registered for the offenses punishable under Sections 323, 341, 376, 511, 504 and 34 of the Indian Penal Code. The petitioner has no criminal antecedent.

3. As per the prosecution story, on 04.03.2023 at about 08:00 A.M. when the informant was alone, her father-in-law tried to force her to establish illicit relation and when she protested, he assaulted her badly with a lathi. It is further alleged that her brother-in-law also abused her and when she is alone, he tries to force her to make illicit relation.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is further



submitted that the allegations have been made by the sister-in-law of the petitioner in completely vague terms and on account of a land dispute only to pressurize the petitioner to give up his claim to the joint family property.

5. Learned counsel submits that there is no specific allegation of commission of any overt act against this petitioner and no injury has been reported to the victim.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned counsel for the petitioner that the allegations have been made by the sister-in-law of the petitioner in completely vague terms and on account of a land dispute only to pressurize the petitioner to give up his claim to the joint family property and there is no specific allegation of commission of any overt act, no injury has been reported to the victim and the petitioner has otherwise no criminal antecedent, hence, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in



connection with Gaurichak P.S. Case No. 138 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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