

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61278 of 2023

Arising Out of PS. Case No.-923 Year-2022 Thana- SUPAUL District- Supaul

MITHILESH KUMAR Son of Bhushan Chaudhary @ Bhushan Prasad
Chaudhary Village- Laudh PS and Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Supaul PS Case No. 923 of 2022 dated 03.10.2022, G.R. No. 2302 / 2022 registered under Sections 452, 354 (B), 504, 506, 323, 380, 34 of the IPC.

3. As per the First Information Report in the midnight of 16-09-2022 the petitioner entered into the house of the informant, tried to commit rape upon her and threatened to kill her on point of gun. Upon alarm being raised, the neighbours came there and saw the petitioner inside the house. In the meanwhile, other accused persons armed with *lathi*, *danda* etc. came and forcibly took away the petitioner from the house of the informant. The accused persons also looted Rs. 25,000/-, clothes and ornaments.



4. Learned counsel for the petitioner submits that from perusal of the FIR itself it would be evident that petitioner is the next door neighbour of the informant. The petitioner has falsely been implicated in this case due to dispute regarding drainage between the parties. The petitioner is earning his livelihood in Punjab and had visited his home during holiday and has made accused on the basis of concocted story. The petitioner is having no criminal antecedent. He next submits that the occurrence had taken place on 16-09-2022 whereas the FIR was lodged on 03-10-2022 i.e. after a delay of 17 days without any plausible explanation.

5. On the other hand, Mr. Manoj Kumar, learned counsel for the State opposes the prayer for bail.

6. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is the next door neighbour of the informant, there is previous dispute regarding drainage between them and the petitioner is having no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Supaul in connection with Supaul P.S. Case No. 923 of 2022, G.R. No. 2302 / 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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