

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25197 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- MADHEPURA District- Madhepura

Roshan Kumar @Roshon Kumar@Raushan Kumar, Son of Bechendra
Sharma, Resident of Village- Pirnagra, Ward No. 56, Beldaur, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2024 Heard Mr. Ankit Raj, learned advocate for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 309 of 2023 initially registered for the offences under Sections 341, 342, 323, 325, 307, 379, 354(B), 376, 511, 504 and 506/34 of the Indian Penal Code.

3. Allegedly while the informant was going to her tuition classes, in the meantime, co-accused Prashant Kumar along with others, on the pretext of dropping her to coaching, brought her to his house, where the petitioner and other co-accused persons were present. It is further alleged that this petitioner locked the informant in a room where co-accused Prashant came, tried to commit rape upon her and when the



informant made protest, all of them brutally assaulted her.

4. Learned advocate for the petitioner contended that the F.I.R. only narrates that it is the petitioner, who locked the informant in a room wherein co-accused Prashant Kumar has tried to commit rape and assaulted her. However, co-accused Prashant Kumar is non-else, but the cousin of the victim and, moreover, the victim in her statement recorded under Section 164 of the Cr.P.C. only alleged that it is co-accused Prashant Kumar, who has assaulted and torn her clothes. subsequently, the victim filed a petition under Section 320 of the Cr.P.C. before the Court for compounding the offence, however, considering the fact that the offence is non-compoundable, no decision has been taken till date. Taking note of the aforesaid facts, including the injury report, which only suggests bruise over the left eye of the victim, co-accused Prashant Kumar has been allowed the privilege of anticipatory bail in Cr. Misc. No. 2411 of 2024 vide order dated 31.01.2024. It is lastly contended that the petitioner is a man of fair antecedent. That apart, the occurrence took place on 23.03.2023, but the F.I.R. has been instituted on 25.03.2023 without there being any explanation of delay.

5. On the other hand, learned APP for the State



opposes the bail application and submits that serious allegation has been leveled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C., as also the fact that co-accused Prashant Kumar has already been allowed the privilege of anticipatory bail, coupled with the delay in lodging of the F.I.R. and fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 309 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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