

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40119 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- PARWALPUR District- Nalanda

Onkar Kumar @ Omkar Kumar S/O LATE RAJEEV KUMAR Resident of
Village and P. O. - Shankardih, P.S.- PARWALPUR, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-11-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 354, 376,
504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is next
submitted that the informant alleges that her daughter informed
that in the night, she was raped, further disclosed that while she
was sleeping Pinki Kumari @ Sweta Kumari opened the door,
when 4-5 accused entered and one accused pointed revolver at
her and rest started acting inappropriately and when she tried to
raise alarm, they put clothes in her mouth and thereafter



disrobed and committed rape, further she identified Onkar (petitioner), Hariom son of Krishna Singh by their voice, further while leaving the place of occurrence, the accused threatened and also said that video of the informant taken by Rimjhim, daughter of late Rajeev Kumar, shall be made viral.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant on account of dispute relating to property. It is further submitted that father of the petitioner is own brother of Mukesh Kumar, who is father of the informant, as such, the petitioner is own cousin brother of the victim. It is next submitted that the victim in the FIR does not disclose her relationship with the accused persons rather has instituted the instant FIR giving an impression that one Pinki opened the door in pursuance whereof five accused persons entered and committed rape. It is also submitted that it does not appear probable that five accused would have entered the house and committed rape and no inmates would have come to know about the same. It is also submitted that injury report does corroborate the allegation as alleged in the FIR. It is next submitted that Rimjhim is own cousin sister of the victim and sister of the petitioner as such the entire family members of the petitione including Pinki have



been implicated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then after perusing the case diary fairly submits that the injury report does not corroborate rape.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Parwalpur P.S. Case No. 116 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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