

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47223 of 2024

Arising Out of PS. Case No.-163 Year-2020 Thana- BARAULI District- Gopalganj

Chandan Bin Son of Rajendra Bin R/O Vill.- Rupan Chhap, P.S.- Barauli,
Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2024 Heard Mr. Sanjay Kumar Jha, learned counsel for the
petitioner as well as Mr. Dilip Kumar No.1, learned APP for the
State.

2. The petitioner apprehends his arrest in connection with
Barauli P.S. Case No.163 of 2020, registered for the offence
punishable under Sections 341, 323, 328, 376, 506/34 of the
Indian Penal Code.

3. As per the FIR, the petitioner and other accused persons
caught the daughter of informant and dashed her head with a
tree and intoxicated her. She was taken away by motorcycle and
was kept in a hut. The informant came to know that her daughter
is lying unconscious at the bank of river. When informant
reached there, she saw her daughter in a different cloth and
suspected that the accused persons have committed rape with
her daughter. After treatment, victim came to her senses and



disclosed about the occurrence to her family members.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioner. There is a delay of about two months in lodging of the FIR and no explanation regarding the same has been given. Petitioner has no criminal antecedent.

5. Mr. Dilip Kumar No.1, learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail petitioner and submitted that earlier the bail application of the petitioner was rejected by a co-ordinate Bench of this Court on 05.01.2022 passed in Cr. Misc. No.29840 of 2021 and now this is the second attempt of the petitioner for anticipatory bail. He further submitted that in view of the recent decision of the Supreme Court in the case of **G.R. Ananda Babu vs. State of Tamil Nadu and Another reported in 2021 SCC Online SC 176**, this second anticipatory bail application is not maintainable. It is accordingly, dismissed.

6. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order,



preferably on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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