

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43566 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- DHAMDAHA District- Purnia

Chandan Kumar @ Chandan Kumar Gupta S/o Jaiprakash Gupta @ Munna Gupta R/O Vill - Damgara Purv, Mogalia Purandaha, Ward No. 9, P.S-Dhamdaha, Distt-Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2024 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 offence punishable under Sections 376 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and has been falsely implicated in the instant case by the informant alleging that on 12.03.2024, she went to the C.S.P. centre of the petitioner to withdraw Rs.1000/-, when petitioner acted inappropriately and thereafter forcefully raped her, further a panchayati was convened but the petitioner and his family members did not participate. The learned counsel submits that the F.I.R. came to



be instituted after a delay of 7 days of the occurrence, without any plausible explanation, which casts an aspersion on the case of the prosecution, more so, when the informant could have convened a panchayati then why she did not approach the police in time. It is also submitted that the medical report did not find any internal and external injury on her body including private parts, which further goes to demonstrate that petitioner has been falsely implicated. It is also submitted that specific pleading has been made that the C.S.P. of the petitioner was opened on 13.03.2024 and 14.03.2024, hence, it is submitted that had the petitioner committed the occurrence of the nature, as alleged then definitely, he would not have opened his C.S.P. centre out of fear. It is further submitted that petitioner will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 Court below 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 Dhamdaha P.S. Case No.73/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself when required, in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

7. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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