

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47152 of 2024

Arising Out of PS. Case No.-1045 Year-2023 Thana- NAGAR District- Vaishali

ABHISHEK KUMAR S/O ARJUN RAI Resident of Village- sant Kabir
Nagar, Jadhua, P.S- Hajipur Town, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari W/O Pankaj Singh R/O Village- Sant Kabir Nagar Jadhua, P.S-
Hajipur Town, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-08-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the OP No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 341,
354, 504, 506, 337 and 427 of the Indian Penal Code and
Section 7 of the POCSO Act.

3. In compliance of the order dated 29-8-2024, the
father and the mother of the petitioner along with the petitioner
are present in the Court.

4. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedents and the



informant alleges that the petitioner teases her daughter while she goes to school and coaching by passing closely from her body upon a motorcycle, further, the informant with her brother went to the house of the petitioner to complain, but they were scolded and ousted by the uncle of the petitioner, namely Sanjeev Rai, further, the accused persons including the petitioner in retaliation came to the house of the informant and pelted stones and broke the glass and also damaged the motorcycle of the brother of the informant worth Rs. 50,000/- further, the petitioner fired upon the brother of the informant but missed.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that though there is allegation of firing made by the petitioner, but then the case is not instituted under the Arms Act, as such, the said allegation is ornamental in nature. The learned counsel for the petitioner further submits that for the present, even if it is presumed that what has been alleged is true without admitting, then the parents of the petitioners, who are present in the court, give an undertaking that such occurrence would never happen in future.

6. The learned counsel appearing on behalf of the OP



No. 2 opposes the anticipatory bail application and submits that the FIR has been instituted by the mother of the victim and no mother would institute a false FIR more so when it is being alleged that her daughter was being teased.

7. The learned counsel appearing on behalf of the petitioner at this stage submits that petitioner is a young boy aged about 20 years and is a person with clean antecedent and in the event, if he is sent to judicial custody, his entire career would be jeopardised and chances are bright that he may come in contact with hardened criminals.

8. 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. 25,000/- (Rupees Twenty-five 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 Hajipur Town P.S. Case No. 1045 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. One of the bailors of the petitioner shall be his father, Arjun Rai.



10. The personal appearance of father, mother of the
petitioner and the petitioner is dispense with.

(Satyavrat Verma, J)

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