

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55149 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- NAGAR District- Vaishali

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NITEESH KUMAR @ NITISH KUMAR SON OF BHIKHO YADAV
RESIDENT OF VILLAGE - JIUR, WARD NO. - 13, P.O. AND P.S. -
HASANPUR, DISTRICT - SAMASTIPUR, STATE - BIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUNITA KUMARI DAUGHTER OF ARUN YADAV RESIDENT OF
VILLAGE - BARI KEWAL, P.O. - RAJAUR, P.S. - GADHPURA,
DISTRICT - BEGUSARAI, 848204

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chittranjan Sinha, Sr. Adv. Mr.Kuldeep Kumar, Adv.
For the Opposite Party/s :		Mr.Rajendra Prasad Nat, APP Mr.Saroj Kumar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 25-09-2024 Heard learned Senior Counsel for the petitioner, learned
counsel for the informant and learned APP for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 420, 376, 354(C) of the IPC.
3. As per the prosecution case, on the pretext of marriage,
the petitioner established physical relation with the informant
after administering drugs to her.
4. It is submitted by learned Senior Counsel for the
petitioner that petitioner is quite innocent and has committed no
offence. He has been falsely implicated in this case due to



grudge. No such occurrence, in the manner as alleged, has ever taken place. It is further submitted that the informant is a major and if the relationship was established, she was a consenting party. She herself refused to undergo medical examination. There is an inordinate delay of one and half month in lodging the F.I.R., without any reasonable explanation and it itself creates doubt about the prosecution case. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that earlier the petitioner was ready to solemnize marriage with the informant but later on he denied, therefore, the F.I.R. has been lodged after such a delay.

6. Having regard to the facts and circumstances of the case, since victim is a major and in view of the order of the Apex Court in *Ansaar Mohammad v/s. The State of Rajasthan & Anr. (Criminal Appeal no.962 of 2022)*, I am inclined to enlarge the petitioner on anticipatory bail, accordingly, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Hajipur Town P.S. Case No.171 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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