

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59699 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- RAGHOPUR District- Supaul

Nitish Kumar Mandal @ Nitish Kumar Son of Dinesh Mandal Village -
Hussainabad, ward no. 10, P.S.- Raghopur, District- Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Singh

For the Opposite Party/s : Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 01-10-2024 1. Heard learned counsel for the petitioner, learned APP
for the State and the learned counsel appearing on behalf of the
informant.
2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 354B, 504,
427, 379, 506 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and was known to
the informant from before. It is also submitted that since
informant was coming along with brother-in-law of her elder
sister, as such the petitioner intercepted her and asked her that
why she was roaming around with another boy, on which the
brother-in-law of the elder sister of the informant protested, as
such an altercation took place and thereafter the instant FIR



came to be instituted. It is submitted that informant in the FIR has disclosed her age as 16 years in order give serious colour to the case, when the informant on the date of occurrence was 18 years 6 month. It is next submitted that the informant in the FIR has not even remotely suggested that she was knowing the petitioner from before, rather has given an impression as if the petitioner along with his friends all of a sudden intercepted her while she was coming back to her home on a motorcycle with the brother-in-law of her elder sister, but the informant in her restatement has acknowledged that she was known to the petitioner and were on talking term, but later some differences arose. It is next submitted that though informant in the FIR alleges that petitioner along with his friends intercepted her and acted inappropriately and even tore her cloths, but then no cloths were handed over to the police for investigation, which amply demonstrates that no such occurrence as alleged in the FIR ever took place. It is next submitted that since petitioner and the informant were known to each other from before, as such, it appears that petitioner had a confusion that she was roaming around with another boy when he intercepted and asked her, but the informant instituted the instant FIR as she was with brother-in-law of her elder sister and as such she might not



have wanted the brother-in-law of her sister to know that she was knowing the petitioner from before. It is also submitted that petitioner is a young boy aged about 20 years and is a student and if he is sent to judicial custody, his entire carrier would get jeopardized and chances are bright that he may come in contact with hardened criminals.

4. The learned counsel for the petitioner next submits that a supplementary affidavit has been filed whereby the educational certificate of the petitioner has been brought on record by way of *Annexure-P/3 series*.

5. The learned APP for the State along with learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that petitioner and the informant were known to each other from before and the informant, concealing the said relationship, instituted the instant FIR giving an impression as if she was intercepted by goons who behaved inappropriately with her.

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 Raghapur P.S. Case No. 103 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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