

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67973 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- BHAGWAN BAZAR District- Saran

CHHOTU KUMAR Son of Shiv Jee Sah R/o Mohalla - Mirchai Tola, P.S. -
Bhagwan Bazar, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State

2. The petitioner apprehends his arrest in Bhagwan Bazar P.S.
Case No. 262 of 2023 registered for the offences punishable
under Sections 341, 342, 323, 324, 504 & 376/511 of the Indian
Penal Code.

3. The petitioner along with other co-accused is said to have
entered into the house of the informant and tried to commit
rape against her daughter. When the informant and her son
rushed in her rescue they assaulted them.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to enmity and dirty village politics.
The allegation levelled against the petitioner is not specific
rather general and omnibus in nature. It is further submitted



that the charges made against the petitioner are false. There is case and counter case between the parties. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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