

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69802 of 2024

Arising Out of PS. Case No.-850 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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Pramod Kumar S/O Janki Yadav R/O Village Dadawa, P.S.Uphara District
Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, W/o Prem Kumar R/O Village Dadawa, P.S.Uphara District
Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 23-10-2024 Heard the learned Advocate for the petitioner, the

learned APP for the State and the learned Advocate for the

informant.

2. The petitioner apprehends his arrest in connection
with Town (Aurangabad) P.S. Case No. 850 of 2023, registered
for the offences punishable under Sections 341, 323, 354 and
376/34 of the Indian Penal Code.

3. Based upon a complaint, the FIR has been
instituted with an allegation that in the night of 12.08.2023,
while the informant was sleeping, in the meanwhile, the
petitioner forcibly entered into her house after breaking the door
and tried to commit rape upon her. On protest being made, she



was abused and assaulted by the petitioner. It is further alleged that when this incidence was disclosed to the relatives on 14.08.2023, she was again beaten by the petitioner and his wife.

4. Learned Advocate for the petitioner contended that the petitioner is none else but the brother-in-law (*bhaisur*) of the informant and on account of a family feud, the present FIR has been instituted. The incidence as alleged in the FIR took place on 12.08.2023 and thereafter on 14.08.2023, but surprisingly, the complaint, which is the basis of the FIR, has been filed on 05.09.2023, after a delay of 23 days. It is lastly contended that the petitioner is a man of fair antecedent and now the investigation of the crime is complete. Moreover, the wife of the petitioner has been accorded anticipatory bail by the Court below itself.

5. On the other hand, learned counsel for the State as well as the informant opposed the pre-arrest bail application and submits that there is allegation of outraging the modesty of a woman, whose husband had been residing outside.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of delay in lodging of the FIR, coupled with the relationship between the parties, which has knowingly not been disclosed and the fair antecedent,



let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Town (Aurangabad) P.S. Case No. 850 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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