

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75943 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- KRISHNAGARH District- Bhojpur

Aditiya Kumar @ Aditya Kumar Singh @ Aditya Kumar S/o Late Banarashi
Singh Resident of Village- Kundesar, Police Station- Shahpur, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioner, Learned
APP for the State and Learned Counsel for the Informant.

2. The present case has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Krishnagarh P. S. Case No.62 of 2024 lodged under Sections 126, 115(2), 352, 351(2-4), 77, 78, 109 and 3(5) of Bharatiya Nyaya Sanhita, 2023 read with Section 27 of the Arms Act.

3. As per the prosecution, the FIR has been lodged against three named accused persons including the petitioner in which the informant has alleged that she was subject to black mailing and outrage the modesty at the hand of the accused



persons including the petitioner. The allegation has been made in two parts. In the first part, the allegation has been made against accused Vikash Kumar and in the second part, the allegation has been made against the petitioner of threat to demolish the prestige and also to outrage her modesty, but when villagers came together, then he fled away with the accused persons by his motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the present case is a malicious prosecution lodged by the police on 04.07.2024 in retaliation after receiving the knowledge of filing a complaint by the petitioner on 24.06.2024 in which he has made five named persons as accused including the Constable, ASI and SHO of Krishnagarh police station, District- Bhojpur. He has also named other 18-20 male and female police personnel.

5. Learned Counsel further submits that the actual dispute is between his nephew and the informant who are resident of same village whereas the present petitioner is the maternal uncle who used to work at CIT, Katihar in the Commerce Department of the North-Eastern Railways posted at Katihar division. In support of his pleading, he has annexed



Identity card at page 26 of the F.I.R.

6. Counsel further submits that antecedent of the petitioner is clean. He further submits that the present case has been lodged with ulterior motive with a view to teach him a lesson as well as to defend themselves, the police officials in connivance with the informant filed this case and wrongly inserted the name of the petitioner.

7. Counsel further submits that there is no apprehension of absconding of the petitioner as he is in service and ready to fulfill all the conditions whatsoever shall be imposed upon him.

8. Learned APP for the State opposes the prayer for bail and submits that there is allegation made in the F.I.R. against the petitioner also in which he has threatened the informant.

9. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the informant has directly made allegation in the F.I.R. against the petitioner and the rejection order of the bail application clearly indicates that in her statement under section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the informant has stated before the police that the petitioner has molested her and also disclosed



that the co-accused has filmed her half naked photographs when she was taking bath and sent in her mobile and wanted her to accede to his demand. In this background, counsel submits that the bail application may be rejected.

10. In the present facts and circumstances, this Court is of the view that the petitioner is in service and there is no chance of his absconding, and therefore, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Ara in connection with Krishnagarh P. S. Case No.62 of 2024, subject to the conditions as laid down u/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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