

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85248 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- MAHILA PS District- Jamui

Tinku Kumar, (M), aged asbout 21 years, Son of Manoj Yadav, Resident of village- Harnaha P.S.- Jamui, Dist.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the Opposite Party : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-02-2024 This matter has been listed under the heading “For Orders (on office notes)”

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Jamui Mahila P.S. Case No. 55 of 2023 dated 11.07.2023 registered for the offences punishable under Sections 354, 354B of the I.P.C. and Section 66C of the I.T. Act.

4. As per the prosecution case, the informant is a married woman aged about 20 years and the petitioner is the resident of her in-laws’ village who used to make her photos on social media viral for last three months. Her family members protested, on 30.06.2023 at about 10.00 P.M., when she went



out for call of nature, the petitioner was waiting in ambush and tried to rape on her. When she started screaming, she was saved by her family members. The petitioner also tried to tarnish her character.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the alleged occurrence has taken place on 30.06.2023 and the F.I.R. was lodged on 11.07.2023 after a delay of ten days for which no explanation has been given by the prosecution. Both parties are residents of the same village and it is alleged that the petitioner tried to rape on her and her family members saved her but no any complaint was lodged by her family members immediately which creates doubt the prosecution case. The petitioner has been dragged in the present case due to malicious motive of the informant because the petitioner did not obey the unwanted demand of the informant. It is further submitted that the petitioner is a dull boy and he does not know how to operate smart phone properly. It is further submitted that during investigation, police examined several witnesses but no eye witness has supported the prosecution case whereas it has been alleged that the family members of the informant saved the life of the informant from



the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Jamui, in connection with Jamui Mahila P.S. Case No. 55 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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