

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2411 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- MADHEPURA District- Madhepura

Prashant Kumar, S/o Praveen Yadav @ Babloo Yadav, Resident of peernagra,
Ward no 5, P.S-Beldaur, District-khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Singh, Advocate
MR. Surya Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Krishna Singh, learned senior counsel duly assisted by Mr. Surya Kumar Singh, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Madhepura P.S. Case No. 309 of 2023, registered for the offences punishable under Sections 307, 376, 511, 379, 354(B), 341, 342, 323, 325, 504, 506 and 34 of the Indian Penal Code.

3. It is alleged that while the informant was going to attend her tuition classes, in the mean time the petitioner alongwith others on the pretext of dropping her to coaching brought her to his room, where co-accused Roushan Kumar, Sushil Kumar and one unknown person were present. Thereafter



the petitioner tried to commit rape upon the informant and when the informant made protest all of them brutally assaulted her.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is none else but the own cousin of the victim, moreover, the alleged occurrence took place on 23.03.2023 but the FIR has been instituted on 25.03.2023 without there being any explanation. He further drew the attention of this Court to the impugned order and by referring thereto he submits that the victim in her statement recorded under section 164 of the Code of Criminal Procedure only alleged that the petitioner has assaulted and torn her cloth, but there is no such allegation of any attempt to commit rape. He further submits that the informant who is a major lady, subsequently herself filed a petition under section 320 of the Code of Criminal Procedure for compounding the offence, however considering the fact that offences are non-compoundable thus, no decision has been taken till date. He next drew the attention of this Court to the injury report and with reference thereto he submits that only bruise has been found below the left eye of the victim, which is simple in nature. He lastly submits that the petitioner is also aged about 20 years, having fair antecedent and he undertakes before this Court that he would not indulge in intimidating the witness or the



informant and will fully cooperate in the proceeding.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the informant has supported the prosecution case in her statement recorded in section 164 Code of Criminal Procedure however it appears that on account of pressure mounted by the family members a compromise petition has been filed.

6. Regard being had to the submissions made on behalf of the parties and considering the relationship of the petitioner with the victim and the petition filed by the informant under section 320 before the learned Chief Judicial Magistrate and also the delay in lodging of the FIR coupled with 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, Madhepura in connection with Madhepura P.S. Case No. 309 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.

7. It is made clear that in future, if the petitioner is



found indulged in any way intimidating or creating such nuisance with the informant, she would be at liberty to file an appropriate petition before the learned Court below for cancellation of his bail.

(Harish Kumar, J)

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