

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22162 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- SARAI RANJAN District- Samastipur

Abhishek Kumar @ Bihari Choudhary @ Bihari Chaube S/O Awadhesh Choudhary @ Abdhesh Kumar Chaturbedy @ Avdhesh Chaube Resident of Village - Bhagwatpur, P.S. Sarairanjan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Ramanuj Tiwary, learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sarairanjan P.S. Case No. 153 of 2024, F.I.R. dated 02.11.2024 registered for the offences punishable under Sections 127(2), 115(2), 351(2) and 70(1) of the B.N.S. Act, 2023.

3. Allegedly on 21.10.2024 while the informant was sleeping in her home, in the meanwhile three persons including the petitioner forcibly entered into her house. The petitioner along with others on the point of pistol, committed rape upon her and on halla when the other family persons rushed to the place of occurrence, all the three persons succeeded in fleeing away.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that due to previous dispute the petitioner and other accused persons have been falsely implicated in the present case and the date of occurrence as alleged in the F.I.R. is 21.10.2024 but the present F.I.R. was instituted on 02.11.2024 after delay of more than 10 days without giving any explanation of delay and apart from that there is no medical report of the victim which suggests that such occurrence had taken place and the local villagers have filed a petition before the competent authority with regard to present occurrence and they have stated that no such occurrence had taken place. He further submits that co-accused person namely Ashish Kumar @ Aashish Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 15761 of 2025.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the F.I.R. was instituted after delay of more than 10 days and before filing the present F.I.R. the petitioner approached the authority



concerned, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate or the concerned Judicial Magistrate, Samastipur in connection with Sarairanjan P.S. Case No. 153 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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