

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24791 of 2025

Arising Out of PS. Case No.-270 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

1. Kajal Kumari S/o- Shivnath Das Village- Abgil Rampur Hussaina, P. S. - Mednichowki, District- Lakhisarai.
2. Abhishek Kumar S/o- Ashok Das Village- Abgil Rampur Hussaina, P. S. - Mednichowki, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 127(2), 303(2), 74, 64, 62, 352, 351(1), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per prosecution case, on the alleged date and time of occurrence, while informant was alone in her house, petitioner no. 2 entered the house in intoxicated condition with arms and tried to commit sexual assault. It is further alleged that on the next day, when informant was going to police station to lodge F.I.R., petitioner No. 1 along with other accused persons



restrained her and disrobed her.

4. Learned counsel appearing for the petitioners submits that both parties are *gotiyas* and due to land dispute, this false and concocted case has been lodged. As per F.I.R., date of occurrence is 30.11.2024 and F.I.R. has been lodged on 04.12.2024 i.e. after inordinate delay of four days without any plausible explanation. There is general and omnibus allegation against petitioner No. 1. Injury allegedly caused by petitioners is simple in nature. Petitioners claim clean antecedent.

5. Learned counsel for the State opposed the bail application and submitted that petitioner No. 2 entered the house of informant in intoxicated condition and attempted to commit rape upon her. Doctor has found injury on face, chest and left knee of the informant.

6. In view of the fact that petitioner No. 2 committed sexual assault upon informant, **prayer for anticipatory bail of petitioner No. 2 is refused.**

7. However, considering the nature of accusation against petitioner Nos. 1, the **anticipatory bail with regard to petitioner No. 1 is allowed** and it is ordered that the above named petitioner No. 1 in the event of her arrest/surrender before the court below within a period of eight weeks from



today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Lakhisarai in connection with Mednichowki P. S. Case No. 270 of 2024, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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