

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30451 of 2025

Arising Out of PS. Case No.-513 Year-2024 Thana- NAANPUR District- Sitamarhi

Kishan Kumar S/o Ram Ekawal Mukhiya R/o Village- Lohaitha, P.S.-
Nanpur, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-05-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Nanpur P.S. Case No. 513 of 2024 lodged on 08.10.2024, for the offence punishable under Sections 126(2), 127(2), 76, 115(2), 118(1), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner against whom there is an allegation that they have tried to outrage the modesty of the informant's daughter and also assaulted her brutally due to which she fell down and become unconscious and later on, the informant's mother took her daughter to the hospital for treatment.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from bare reading of the FIR, it transpires that the alleged date of occurrence was 01.10.2024, whereas, the FIR has been lodged on 08.10.2024 i.e. delay of about seven days and the said delay has not been explained anywhere. Counsel submits that the present case has been lodged due to village politics and there is nothing specific against the petitioner, rather, the allegation is general and omnibus in nature. Counsel submits the except section 76 of the B.N.S. 2023, all sections areailable. Counsel submits that there is no ingredient of section 76 of the B.N.S. 2023 in this case. Counsel further submits that petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that allegation of assault is there in the FIR, but ingredient of section 76 of the B.N.S. 2023 is lacking in this case.

6. In the present facts and circumstances and particularly after going through the injury which was observed by the Sessions Court that victim is minor child and she sustained multiple bruise of various size on her neck and one bruise over left thigh above knee of the injured and the injured



was examined on the date of occurrence. Though, this Court found that there is no ingredient of section 76 of the B.N.S. 2023 here and offence are bailable, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, liberty is hereby granted to the petitioner that if, he surrenders before the Trial Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that ingredients of section 76 of the B.N.S. 2023 is not present, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

