

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55924 of 2025

Arising Out of PS. Case No.-357 Year-2025 Thana- GANDHIMAIDAN District- Patna

Nalin Kumar S/o Late Fanidar Singh @ Late Azad Phanidar Singh @
Fanindar Singh Resident of Flat No. 302, B.B.Block, Shanti Vihar Apartment,
Behind Reserve Bank of Inida, P.S.- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr.Jharkhandi Upadhyay, APP
For the Informant :	Mr. Akash Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2025 Heard learned Counsel for the petitioner, learned
counsel for the informant and learned APP for the State

2. The petitioner who apprehends arrest in connection
with Gandhi Maidan P.S. Case No. 357/2025 lodged on
14.06.2025, for the offences punishable under sections 126,
115(2),75,76,77,78,351(3), 352 and 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. As per the prosecution, when the informant was on
the roof of her apartment, the petitioner along with three other
accused persons attempted to commit rape upon her. It is further
alleged that the accused persons threatened the informant to
vacate the flat, failing which she would be subjected to rape.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The antecedents of the petitioner are clean. For the alleged occurrence dated 13.06.2025 between 7:00 P.M. to 7:30 P.M., the FIR was lodged on 14.06.2025 at 15:45 hours. The petitioner and the informant are neighbours, residing in the same apartment, on the same floor, and share a common lobby. It is contended that the present case is nothing but a neighbourhood dispute which has been escalated into a fabricated and exaggerated version in the FIR, with an intention to falsely implicate the petitioner.

5. Learned counsel for the informant, who appeared *suo motu* in this case, vehemently opposes the prayer for bail and submits that during investigation, the I.O. has recorded the statements of several flat owners, all of whom have supported the conduct of the petitioner. It is further submitted that once the case diary is perused, the entire picture shall become clear.

6. Learned APP for the State vehemently opposes the prayer for bail and submits that there is no necessity of calling for the case diary at this stage, as the learned Sessions Court has already perused the case diary and recorded that at least ten residents of the apartment have made similar complaints against the petitioner.



7. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Gandhi Maidan P.S. Case No. 357/2025, pending before the learned SDJM, Patna is hereby rejected.

8. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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