

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56183 of 2025

Arising Out of PS. Case No.-153 Year-2019 Thana- KOTWA District- East Champaran

Nand Bihari Yadav @ Nand Bihari Prasad S/O Late Lalan Yadav @ Lalan Prasad R/O Village- Sobaiya ,P.S-Kotwa ,District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate
For the State : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 03-12-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 149, 323, 376, 120B and and 34 of the Indian Penal Code.

3. As per prosecution case, on 27.01.2019 at about 3 PM, while the informant was working in the field, in the meantime, this petitioner came there and tried to commit rape with her and when she raised alarm, he fled away. Thereafter, the informant narrated the whole incident to her husband and he called for a *Panchayati* and when this petitioner came to know about the same, he, along with some unknown persons, entered into her house at night, abused the informant and her husband, locked informant's mother-in-law and children in another room



and committed rape with the informant. It is further alleged that the accused persons forcefully gave poison to husband of informant due to which he died.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, due to mistake, the deceased himself consumed pesticides in place of medicine and died during course of treatment for which, mother of the deceased lodged a U.D. case bearing U.D. Case No. 01 of 2019 on 30.01.2019 and after lapse of more than five months of the incident, informant filed this false and concocted case. There is no plausible explanation for the inordinate delay in lodging of the complaint petition which itself makes the entire prosecution case doubtful. During course of investigation, none of the witnesses have supported the prosecution case. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, delay in lodging of the F.I.R., materials that have surfaced during course of investigation and clean antecedents of the



petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned Exclusive Special Judge (Rape and POCSO Case), District and Additional Sessions Judge, East Champaran at Motihari in connection with Kotwa P.S. Case No. 153 of 2019, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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