

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62045 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- BAHADURPUR District- Patna

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Avinash Kumar son of Amarnath Paswan R/o - Rusalpur Bakhari, P.O -
Bakhari Supayan, P.S - Rajapakar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Piyush Saurabh, Advocate Mr. Abhishek Mishra, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-11-2025 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 64(1) and
61(2) of the B.N.S..

3. As per prosecution case, on 15.04.2025, co-accused
Gaurav Singh called the informant on her mobile phone and
stated that he has met with an accident and sent two of his
friends to take the informant to him. It is alleged when the
informant went to the see Gaurav Singh with his friends to his
house, she found that Gaurav was absolutely fit and fine and



thereafter, his friends went out from there and co-accused Gaurav Singh committed rape with the informant whole night.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is not named in the F.I.R.. Name of petitioner transpired in this case during course of investigation merely on the ground that this petitioner also resides in the lodge of one Dilip Sao wherein the alleged occurrence is said to have been committed. Save and except the same, there is no material on record to show the complicity of this petitioner in the alleged offence. From bare perusal of the F.I.R. it is apparent that specific accusation of committing rape is against co-accused Gaurav Singh. 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, general and omnibus nature of accusation 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 Judicial Magistrate First Class, Patna City, District- Patna in connection with Bahadurpur (Mussalhpur Hat) P.S. Case No. 138 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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