

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88195 of 2024

Arising Out of PS. Case No.-246 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Abhishek Das @ Abhishek Kumar S/o- Jagarnath Das Village- Gado wajitpur
PS-Dalsinghsarai Distt- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitish Kumar S/o- Ram Dayal Singh Village- Basadhiya Ps- Dalsingh Sarai
Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-05-2025 Heard Mr. Pintu Kumar Patel, learned counsel for

the petitioner and Ms. Shaheen Begum, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Dalsingh Sarai P.S. Case No. 246 of 2024,
F.I.R. dated 29.07.2024 for the offences punishable under
Sections 76, 115(2), 109, 123, 3(5), 238 of the Bharatiya Nyay
Sanhita, 2023.

3. According to prosecution case, the informant
alleged that the petitioner along with other accused persons tried
to abduct and assault his sister. It is further alleged that the
petitioner tried to give poison to his sister to destroy evidence.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim, in her statement recorded under Section 164 of Cr.P.C/183 of BNSS has fully supported the case of the prosecution and apart from that she has categorically stated that the petitioner along with other accused persons committed rape upon her. She further submits that the medical report of the victim also supported the contention of the victim as stated in her statement recorded under Section 164 of Cr.P.C/183 of BNSS and the date of birth of the victim as mentioned in her birth certificate is 06.11.2010 which suggest that the victim was minor at the time of occurrence.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Dalsingh Sarai P.S. Case No. 246



of 2024 pending in the court of Additional Sessions Judge-VI-
cum-Special Court (POCSO), Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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