

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72224 of 2025

Arising Out of PS. Case No.-41 Year-2024 Thana- MAHILA P.S. District- Madhepura

=====

Vikash Kumar @ Bikash Kumar S/o- Sri Brahmadeo Mandal R/o- Parokiya
W.No-8, Ps- Arar Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr. Akash Anand, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 322-04-20261. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 64, 352, 351(2) and 351(3) of the BNS, 2023.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she was sleeping with her children on 15.07.2024 when she heard a knock on the door, thus, opened the door, but



no one was present, further she took her children outside the house for making them attend call of nature and when she came back after locking the door, she saw petitioner with a knife and thus tried to raise an alarm, but petitioner overpowered her by putting a towel around her neck and threatened that her children would be killed and thereafter committed rape, further her husband was not in the house and children raised an alarm when her family members along with her neighbours came and identified the petitioner who fled.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that date of occurrence is 15.07.2024 and the FIR was instituted on 12.09.2024 i.e. after a delay of more than 57 days without any plausible explanation, which casts an aspersion on the case of the prosecution. It is also submitted that informant in the FIR has given an impression as if petitioner entered the house and committed rape under threat, but then petitioner is son of the elder brother of the husband of the informant, but then this relationship has not been disclosed, which also casts an aspersion on the case of the prosecution. It is next submitted that a property dispute is ensuing in between the husband of the informant and father of



the petitioner, as such, the instant false case came to be instituted by way of afterthought after 57 days with a view to coerce the father of the petitioner into submission, so that the dispute relating to property is resolved under pressure. It is also submitted that from perusal of Para 19 of the case diary, it would manifest that informant also refused her medical examination. It is next submitted that it does not appear probable that petitioner being nephew would have committed such an occurrence as alleged in the FIR and that too in presence of younger cousin brothers.

5. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioner and submits that there is an allegation of committing rape against the petitioner, but then after perusing Para-45 of the case diary fairly submits that petitioner is *jaut* (nephew) of the informant and that informant refused her medical examination as recorded in the case diary.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No. 41 of 2024 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

