

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90248 of 2025

Arising Out of PS. Case No.-558 Year-2024 Thana- KANTI District- Muzaffarpur

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Lakshman Thakur @ Laxman Kumar, Son of Resident of Village - Kanti Kothiya, P.S.- Kanti, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Ramji Thakur Resident of Village - Kanti Kothiya, P.S.- Kanti, District - Muzaffarpur (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advcoate
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Kanti P.S. Case No. 558 of 2024 registered for the offences under Sections 64, 62, 115(2), 126, 351(3) of Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant had alleged that while she was in her house sleeping, the petitioner entered her house and tried to commit rape, however, on protest, the petitioner assaulted her and thereafter fled.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the case on account of a dispute with regard to the distribution of money, which they had received as compensation from the Government on the death of one of the brothers of the husband of the informant. It has further been submitted that the incident is admittedly stated to have taken place on 01.09.2024, while the FIR was registered on 20.10.2024 after almost 50 days of the occurrence. It has next been submitted that from perusal of the case diary, it would be evident that no such injuries have been found and in fact only swelling and pain are stated to have been found by the Doctor. It has also been submitted that in order to settle personal score and dispute with regard to the said money, the present false and concocted case has been levelled against the petitioner, who happens to be the own brother-in-law (devar) of the informant. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Kanti P.S. Case No. 558 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is



allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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