

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.2352 of 2025

Vikash Kumar @ Vikas Kumar, S/o Late Asharfi Ram, R/o Village
Palhe, P.O. & P.S. Nagar Untari, District Garhwa.

... .. Petitioner

Versus

The State of Jharkhand.

... .. Opposite Party

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Sabyasanchi, Advocate
For the State : Mrs. Kumari Rashmi, A.P.P.

05/ 08.07.2025

Heard the parties.

- 2.** This anticipatory bail application under Section 482 of the Bharatiya Nyaya Suraksha Sanhita, 2023, has been preferred by the petitioner apprehending his arrest, for offences under Sections 341, 342, 323, 376, 504 and 506 IPC, Section 4 of the POCSO Act and Section 27 of the Arms Act.
- 3.** The allegation against the petitioner is of assaulting and abusing the prosecutrix and committing forcible sexual assault upon her on the point of pistol.
- 4.** During the course of argument, it has been brought to the notice of this Court that when the complaint before the police was not registered, the complainant filed a complaint petition, which was sent under Section 156 (3) Cr.P.C. for registering the F.I.R. Once the F.I.R. was registered against the petitioner, the Police investigated and submitted the final report, exonerating the petitioner. However, the Trial Court differing with the final form, has taken cognizance and issued summons.
- 5.** Learned A.P.P. representing the State opposes the prayer for anticipatory bail.

6. Be it noted that initially the complaint was filed after one month of the occurrence, which was referred under Section 156(3) Cr.P.C., which led to initiation of the F.I.R.

7. Considering the facts that cognizance has been taken and there is no question of any investigation far less custodial interrogation, I am inclined to allow this application.

8. Accordingly, this Anticipatory Bail Application stands **allowed**. The petitioner, above named, is directed to surrender before the learned court below within four weeks from the date of receipt of copy of this order and on the event of his surrender or arrest, he shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand), with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Nagar Untari at Garhwa, in connection with Nagar Untari Mahila P.S. Case No.08 of 2022, subject to the condition that one of the bailers should be a close relative of the petitioner and other should be a resident of State of Jharkhand, having sufficient landed property in his name or in the name of his ancestors in which he is having share and to that effect, he has to file an affidavit before the Trial Court indicating his share in the property. The petitioner should appear before the Trial Court and file his respective bail bond with an undertaking that he will appear before the Trial Court during trial as and when directed. Further, he will not linger the trial and will cooperate the Court in framing of charge within three months from the date of his appearance.

(ANANDA SEN, J.)