

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2029 of 2018

Arising Out of PS. Case No.-9 Year-2017 Thana- MAHILA P.S. District- Araria

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Pankaj Yadav S/o Raj Kumar Yadav, R/o village- Belwari, P.S.- Palasi,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code and sections 3 and 4 of the POCSO Act.

The prosecution case as per the informant Chandni Kumari is to the effect that the petitioner used to commit rape by administering some sedative in spite of protest being made by her. Ultimately she was brought at Bhagat Tola Anganbari Centre where they were caught by the villagers and handed over to the police.

It is submitted by learned counsel for the petitioner that on 07.03.2017, the petitioner and the informant were caught by local people and handed over to the police and thereafter, the



present case was lodged. In the statement of the victim recorded under section 164 of the Cr. P.C. she has not supported the prosecution case. Subsequently, the victim retracted from the main accusation and filed a petition to that effect before the learned Court below.

Considering the nature of accusation, this Court is not inclined to enlarge the petitioner on anticipatory bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, keeping in view of the inconsistency of the prosecution case, as stipulated in the FIR and the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, if he surrenders before the learned Court below within a period of six weeks in connection with Araria Mahila P.S. Case No. 9 of 2017 (Special Case No.06 of 2017), pending before the learned 1st Additional Sessions-cum-Special Judge, Araria.

(Dinesh Kumar Singh, J)

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