

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24315 of 2020

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA PS District- Gaya

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LALU KUMAR @ LALU KUMAR YADAV Son of Sri Kamlesh Yadav
Resident of Village - Tineri, Police Station - Chakand, District - Gaya.
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Shailesh Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, Additional Public Prosecutor

for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with

Mahila PS Case No. 23/2019 registered for the offence punishable

under Sections 341, 323, 376, 34 of the IPC.

3. The allegation against the petitioner as per First

Information Report is that informant was sleeping in her room and

the petitioner entered into the room of the informant and committed

rape upon her.

4. Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case inasmuch as there

was love affair between the petitioner and the victim lady who

happens to be the sister-in-law of the petitioner. Learned counsel

further submits that the petitioner had love affairs with the victim

lady and they together used to roam in the village. Learned counsel

also submits that the statement of mother-in-law of the victim lady

was recorded by the police, who has stated that when the petitioner

was coming out of the room of the informant, and upon inquiry, the

informant told her mother-in-law that petitioner had come to repair



the fan. As such, the submission is that the informant has given contradictory statement in the FIR regarding rape upon her committed by the petitioner.

5. Learned counsel referring to Annexure-2, which is a statement of the victim lady recorded under Section 164 CrPC, submits that there is contradiction between the statement made in the FIR lodged by the informant and the statement recorded under Section 164 CrPC, inasmuch as, in the FIR the victim lady has stated that she was sleeping in the room whereas in her statement under Section 164, she has stated that she was sleeping on the roof.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that there is specific allegation in the FIR against the petitioner and corroborated by the informant in her statement made under Section 164 CrPC, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

(Anil Kumar Sinha, J)

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