IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 4756 of 2020

Shankar Yadav @ Ramashankar Kumar Yadav @ Rama Shankar Yadav @ Rama Shankar Kr. Yadav

… Petitioner

Versus

The State of Jharkhand … Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Pratik Sen, Adv.
For the State : Mr. Sardhu Mahto, Addl. PP

02 / 08.10.2020 Heard the parties through Video Conferencing.

Mr. Pratik Sen, learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioner, the defects pointed out by the Stamp Reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Barhi P.S. case no. 126 of 2020 registered under Sections 376(D)/376(3)/506 of the Indian Penal Code and section 6 of POCSO Act.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that he has committed rape upon the victim minor girl of fifteen years of age. It is then submitted that the allegations against the petitioner are all false and the petitioner was not present at the place of occurrence as is evident from the attendance card of the petitioner with his employer M/s Mahalakshmi Infra Project Pvt. Ltd. and the quarantine certificate has been issued by the Sub Divisional Officer, Barahi. It is further submitted by learned counsel for the petitioner that the no medical examination was conducted hence, the petitioner be given the privilege of anticipatory bail.

The learned Addl. PP vehemently opposes the prayer for anticipatory bail of the petitioner and submits that in view of the bar

under section 438(4) Cr.P.C., in cases involving the offence punishable under section 376 (3) of IPC, the Anticipatory Bail Application is not maintainable. It is then submitted that in view of serious allegation against the petitioner, the custodial interrogation of the petitioner is required during investigation of the case, hence the petitioner ought not be given the privilege of anticipatory bail.

Considering the serious allegations against the petitioner and the requirement of his custodial interrogation during investigation of the case, this Court is of the considered view that this is not a fit case, where the privilege of anticipatory bail be given to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(**ANIL KUMAR CHOUDHARY, J.)**

Smita/-