

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36055 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- PRANPUR District- Katihar

NAND KUMAR YADAV, son of Sri Parampat Yadav Resident of Village-
Gauripur, Siz Tola (Babupur)- P.S.- Pranpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2021 Heard Mr. Y. V. Giri, learned senior Advocate

for the petitioner and Mr. Md. Aslam Ansari, learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Pranpur P. S. Case No. 71 of

2020, dated 15.04.2020, instituted for the offence

under Section 376 of the Indian Penal Code.

In the F.I.R., the prosecutrix has clearly alleged

that she was first asked by the petitioner to come to the

corn field but on her refusal, she was dragged inside the

field and raped at about 7 o'clock in the morning.



The learned senior Advocate for the petitioner has tried to impress upon this Court that the accusation made in the F.I.R. does not inspire confidence for several reasons; one being that the occurrence is said to have taken place in the morning but there is no eye-witness to account for such an action on the part of the petitioner. The second reason for disbelieving the prosecution case is that the victim has specifically stated that she was dragged inside the field before being ravished but when she was examined medically only a day after, there was no sign of rape, much less any dragging mark on her body.

Apart from this, the learned senior counsel for the petitioner submits that there is a reason for falsely implicating the petitioner. The petitioner has recently passed the examination for being appointed as Constable in the State of West Bengal and when an approach was made to the family of the petitioner for marriage of the victim with the petitioner, the same was refused and,



therefore, the present case has been lodged.

Mr. Giri, learned senior Advocate for the petitioner has also drawn the attention of this Court to some of the case laws which say that in the event of solitary testimony in case of rape which is not corroborated by medical testimony, the same should not be treated as sacrosanct.

None of these grounds weigh with this Court to grant anticipatory bail in the event of a clear accusation against the petitioner of having raped the victim.

The learned senior counsel for the petitioner has not been able to demonstrate before this Court that the reason for falsely implicating the petitioner, namely, refusal of the proposal of marriage with the petitioner, was ever brought to the notice of the Investigating Agency for verifying its correctness.

In that view of the matter, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the



court below and seeks bail that shall be considered on its own merits, without being prejudiced by the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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