

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42416 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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NIRANJAN YADAV Son of Lakru Yadav Resident of Village - Jotalkhai,
P.S.- K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in K. Nagar P.S.
Case No.328 of 2020, registered for the offences punishable
under Sections 376 and 34 of the Indian Penal Code and
Sections 4/8 of the POCSO Act.

The petitioner and one Manish Yadav are said to have
committed rape upon the victim girl.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that the occurrence took
place on 30.05.2019 and complaint was filed on 28.06.2021
after lapse of about one month. It is submitted that the statement



of the victim has been recorded under Section 164 Cr.P.C. in which she has stated that only Manish Kumar has committed rape upon the victim girl. It is submitted that according to the medical report, the age of the victim is 18 to 19 years. It is lastly submitted that the petitioner has got no criminal antecedent as stated in paragraph 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the allegation against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and seek regular bail, the learned court below shall consider the prayer for regular bail of the petitioner in accordance with law without being prejudiced from the order of this Court.

(Anjani Kumar Sharan, J.)

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