

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37052 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- MAHILA P.S. District- Araria

RAHUL KUMAR YADAV @ LALOO SON OF KAMAL YADAV R/O
VILLAGE- KHAIRA CHANDA WARD NO. 04, P.S.- NARPATGANJ,
DISTT.- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376(3), 342, 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The informant alleges that on 9.09.2021, while she went to attend the nature's call, the petitioner came and forcefully established physical relation, further, on 10.09.2021 a Panchayati was held but accused persons including the petitioner refused to accept the Panchayat.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely



implicated in the present case, it is next submitted that the informant alleges that she was raped by the petitioner when she had gone to attend the nature's call and petitioner is her neighbor but in reality petitioner and the informant are cousin brothers and sisters, it is next submitted that there is dispute in the family on account of which the present false case came to be instituted, it is also submitted that the informant was medically examined and no injury was found and Doctors assessed her as 18 years as would be evident from Annexure 2.

Learned counsel next submits that since the informant had concealed the relationship in the FIR as such it creates doubt with regard to the veracity of the allegations as alleged but then petitioner is not evading the law and will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Araria Mahila P.S. Case No. 117 of 2021s subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not making himself available as and when called, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel his bail bonds.

(Satyavrat Verma, J)

HarshPandey/-

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