

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24620 of 2023

Arising Out of PS. Case No.-516 Year-2022 Thana- RAJAON District- Banka

Rahul Yadav @ Rahul Kumar Son Of Anil Yadav Resident Of Village
-TARDIH, (GONUDHAM), Police Station-Jagdishpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Rajoun P.S.
Case No. 516 of 2022 registered for the offences punishable
under Sections 147, 323, 467, 468, 420, 376 of the Indian Penal
Code and Section 4 of the POCSO Act pending in the Court of
learned Additional Sessions Judge-6-cum-Special Judge
(POCSO), Banka.

The allegation against the petitioner is that on the
pretext of false promise of marriage he established physical
relationship with the informant/victim.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that the Doctor opined the age of the victim as 18 years and with the consent of the victim the petitioner established physical relationship with her. The petitioner has got one criminal antecedent as mentioned in para-3 of the bail application

Learned APP for the State vehemently opposes the prayer for anticipatory bail and submits that the statement of the victim has been recorded under Section 164 of the Cr.P.C., in which she has supported the prosecution case.

Considering the facts and circumstances of case, nature of the offence and the statement of the victim under Section 164 of the Cr.P.C., I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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