

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55970 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- JOKIHAT District- Araria

Rohit Kumar Yadav Son Of Anant Yadav Resident Of Village- Domahana
Ward No. 13, Ps- Bagnagar, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 354(B), 365, 368, 372, 120(B) and 504 of the Indian Penal Code pending in the learned court below.

3. On 14.03.2023, when the informant was going to study she was abducted by the accused persons for which Mahalgaon PS Case No.144/2022 was lodged. The accused persons put pressure on her to give statement u/s 164 Cr.P.C. in favour of Rohit Kumar Yadav, so she gave the statement in favour of Rohit Kumar Yadav and stated to live with Rohit Kumar Yadav. After the recording of her statement she was handed over to Kundan Yadav and Mamta Devi abused her and threatened her and assaulted her. All the accused persons keep



her half naked. Later on she was taken to village Maujaha at village of Rohit Kumar Yadav. Where she was assaulted the forced into prostitution. She was taken to Bangalore where she was sold to one person. On 16.09.2022 with the help of other women she escaped from Bangalore and returned to her house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner is named in the FIR. He submits that the informant solemnized love marriage with the petitioner on her sweet will and fled away out of area and thereafter the father of informant lodged the FIR against five persons including the petitioner. He further submits that the petitioner is ready to keep his wife(informant) with full honour and dignity. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the prosecution case but later she changed the statement and supported the prosecution case. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the offence, I am not



inclined to enlarge the petitioner on bail in connection with Jokihat P.S. Case No. 14 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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