

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45927 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- KHAJAULI District- Madhubani

Rajan Ram @ Rajan Kumar Ram, Son Of Late Ramashankar Ram @ Ramdas
Ram, Resident Of Kapria, P.S. Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Khajauli P.S. Case No. 17 of 2023 registered for the alleged offences under Sections 341M, 376D, 323 and 506/34 of the Indian Penal Code, Sections 3(2)(va) of the S.C and S.T Act and Section 4 of the POCSO Act.

3. As per prosecution case, on the fateful night when the informant went outside her house to ease herself, the petitioner and co-accused Rahul Yadav caught hold of her and co-accused Rahul Yadav committed rape with her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. Only allegation against the petitioner is that he caught hold the hands of the victim-informant and allegation of rape is against co-accused Rahul Yadav. So no offence under Section 376 (D) will be made out against the petitioner.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner. Learned APP submits that the victim is a minor girl and there is specific allegation against the petitioner that he caught hold the hands of the victim and the co-accused committed rape with her.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail.

7. Hence, his prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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