

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54054 of 2022

Arising Out of PS. Case No.-29 Year-2020 Thana- BHORE District- Gopalganj

PRAMOD YADAV S/o Banwari Yadav R/o village- Balawa, P.S.- Bhore,
District- Gopalganj (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V.Giri, Sr. Advodate Mr. Pranav Kumar Mr. Devashish Giri Mr. Sumit Kumar Jha
For the State	:	Mr. Md. Mushtaque Alam, APP
For the informant	:	Mr. Umesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 31-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard Mr. Y. V. Giri, the learned Senior Counsel

for the petitioner as well as the learned APP for the State,

assisted by learned counsel for the informant.

The petitioner apprehends his arrest for the offences

alleged under Sections 363 and 376/34 of the Indian Penal

Code, registered in connection with Bhorey P.S. Case No. 29 of

2020.

As per allegation, on 23.01.2020, the daughter of the

informant went to her school, but did not return. Her mobile set



was switched off. She could not be traced even after hectic search. The informant expressed his suspicion that co-accused Pradeep Baitha and other accused persons named in the FIR had kidnapped his minor daughter.

The learned Senior Counsel for the petitioner has submitted that even the petitioner is not amongst the persons named in the FIR lodged against whom the informant has expressed suspicion. He has submitted further that the victim girl was found in Mumbai with co-accused Pradeep Baitha and she gave her statement before the police in which she has stated that she was in love with co-accused Pradeep Baitha and she has solemnized marriage and residing with him. Her uncle Dhananjay Kumar, who was residing in Mumbai, had brought her to Pan police station in Mumbai. He has also submitted that, on the pressure of her parents, the victim after three months, retracted from her earlier version recorded under Section 161 of the Cr.P.C. before the police in Mumbai, and in her statement under Section 164 of the Cr.P.C., she has implicated the petitioner.

On the other hand, the learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail and submitted that the victim is a



minor and in her statement under Section 164 of the Cr.P.C. she has specifically stated that when she went to her school for collecting the admit card, a Bolero vehicle came there. Two persons were present in that vehicle who were co-villagers of the victim and they assured her to drop her home. When she boarded the vehicle, she found four persons present in the Bolero, including the petitioner. They brought her at a lonely place and committed rape on her one by one. They have further submitted that the statement of the victim itself shows that she was gang-raped and she has specifically named the petitioner. They have also submitted that the processes under Sections 82 and 83 of the Cr.P.C. have been initiated, to which the learned Senior Counsel for the petitioner has submitted that merely because the processes under Sections 82 and 83 of the Cr.P.C. have been issued, the petitioner does not lose his right of anticipatory bail.

The victim in her statement under Section 164 of the Cr.P.C. has specifically alleged that the petitioner was amongst the persons, who had committed rape upon her.

In my view, it is not a fit case for anticipatory bail, which is hereby rejected.

If the petitioner surrenders and seeks regular bail in



the court below, the same shall be disposed of on its own merit.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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