

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69150 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- KALUAHI District- Madhubani

LAXMI YADAV @ LAXMI KUMAR YADAV @ LAKSHMI YADAV son of
Rajgir Yadav Village- Betaunha Ps- Jaynagar Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv. Mr.Udeshya Kumar Yadav, Adv.
For the Opposite Party/s	:	Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with Kaluahahi P.S. Case No.54 of 2023, registered for the offence punishable u/s 363, 366(A), 376 of IPC and 4/8 of POCSO Act.

3. Allegation against the petitioner is that he committed rape upon the complainant in her house on the point of gun.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. It is submitted that though it is alleged that the first occurrence took place on 06.03.2021 and the complaint case was filed on 23.09.2021 i.e. after a delay of six months. It is alleged that the petitioner along with other co-accused



kidnapped the complainant, took her to village and tried to commit rape but she fled and again on 30.08.2021, they tried to kidnap the complainant, even though, the complaint case has been lodged after so much delay, which itself creates doubt about the prosecution case. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and the victim in her statement recorded u/s 164 Cr.P.C., has supported the prosecution case.

6. Considering the aforesaid facts and circumstances and statement of the victim u/s 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering the compromise.

(Anjani Kumar Sharan, J)

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