

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6023 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- MAHILA P.S. District- Samastipur

Ashok Yadav S/o. Late Baleshwar Yadav, Village -Paridah PS -Hasanpur Distt
-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate Mr. Dinesh Jha, Advocate
For the Opposite Party/s	:	Mr. Saroj Kumar Sharma, Advocate
For the Informant	:	Mr. Vikash Kumar, Advocate Mr. Anupam Bahadur, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 03-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in
connection with Mahila P.S. Case No.52 of 2023, registered for
the offences punishable under Sections 376/420/341/ 504 /506 /
363/34 of the Indian Penal Code and Section 17 of the POCSO
Act.

3. As per the prosecution, allegation of rape and
subsequently forceful abortion of the pregnant lady has been
alleged in the FIR against the present petitioner and others.
Allegation of snatching the child is also there in the FIR.



4. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean. He submits that the alleged informant is basically a married litigant lady, who has filed a complaint case earlier against her husband and other family members, which is annexed as Annexure-2. Counsel for the petitioner submits that informant is nothing but the relative and sister of his elder brother's wife. He submits that she used to frequently visit to her sister's house and in affection physical relation developed between them with consent to each other and allegation of inducing her in the name of marriage is absolutely false as the petitioner is a married lady and she filed a case under Section 498A of the Indian Penal Code against her husband and relative. Therefore, the allegation made in the FIR that in the name of marriage physical relation has been developed is absolutely false and not sustainable in the eye of law. Counsel for the petitioner further submits that with a view to create undue pressure, the present case has been lodged against him.

5. Learned Additional Public Prosecutor for the State opposed the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the allegation made



in the FIR is basically in three part. The first is to develop physical relation fraudulently in the name of marriage, secondly, the forceful abortion and thirdly, snatching of the new born baby is in the FIR. He submits that by virtue of those allegations anticipatory bail may not be granted. He further submits that the regular bail of co-accused has been refused by this Court vide order dated 19.10.2023 passed in Cr. Misc. No.68582 of 2023.

7. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner within four weeks, the prayer for regular bail shall be considered on the same day without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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