

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8343 of 2024

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

Rahul Yadav, son of Raju Yadav, Village- Kapariya Ps- Khajauli Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Prabhakar Thakur, Advocate Mr. Baidyanath Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Khajauli P.S. Case No. 17 of 2023 registered on 29.01.2023 for the alleged offences under Sections 341, 323, 376(D) and 504/34 of the Indian Penal Code and Sections 3(2) (va) of the SC/ST Act and Section 4 of the POCSO Act, 2012.

3. As per prosecution case, when the informant went outside her house to ease herself, the petitioner with the help of co-accused committed rape with her.

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



case. The occurrence took place on 26.01.2023 and the FIR has been registered on 29.01.2023 and there is no satisfactory explanation for delay in lodging the FIR. The victim is a major girl and her age was assessed to be 20 years by the medical board. There is variation in the statement of the victim girl recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. Learned counsel further submits that due to enmity arising out of panchayat election, the present case has been lodged. The petitioner is in custody since 05.10.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel further submits that there is specific allegation against this petitioner is that he committed rape with the informant. The anticipatory bail as well as regular bail of co-accused Rajan Ram has been rejected by this Court and a Co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 45927 of 2023 and order dated 27.02.2024 passed in Cr. Misc. No. 73093 of 2023, respectively. Allegation against this petitioner is much more serious.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that there is direct and specific allegation of committing rape with the informant against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Hence, his prayer for bail is rejected. However, the learned trial court is directed to expedite the trial.

(Arun Kumar Jha, J)

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