

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34682 of 2024

Arising Out of PS. Case No.-770 Year-2023 Thana- TEKARI District- Gaya

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Rahul Kumar Son of Jhandu Yadav Resident of village- Paluhad Bhith Par,
P.S.- Tekari, Gaya, Pin-844101

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 25-09-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Tekari Police Station Case No. 770 of 2023, dated 20.12.2023, disclosing offences punishable under Sections 341/323/354-A/34 of the Indian Penal Code and Sections 8/12 of the Prevention of Children from Sexual Offences Act, 2012.
3. The prosecution case, as per the First Information Report, is that on 20.12.2023, at about 5 AM, when the informant went to attend the call of nature, the petitioner along with his mother pulled her 100 meters by holding her hands for kidnapping and committing rape. When the informant raised alarm, all the accused persons left her and fled



away.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it does not stand to reason that the petitioner, in presence of his mother, will try to commit rape upon the informant. He further submits that the falsity of the offence is also evident from the fact that the informant has expressed her desire not to proceed with the case and has compromised the case.
5. I have heard learned Counsel for the parties and have gone through the First Information Report and the impugned order.
6. The allegation against the petitioner is that he dragged the informant, aged about 13 years, for the purpose of committing rape in front of other accused persons, who were present at some distance and were also asking to outrage the modesty of the informant. The informant has supported the allegation of sexual harassment meted out to her. The learned Special Judge has rejected the plea of compromise as a ground for grant of anticipatory bail to the petitioner. During course of investigation, *prima facie* material has come against the petitioner of sexual



harassment.

- 7. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.
- 8. This application is dismissed

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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