

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42873 of 2024

Arising Out of PS. Case No.-27 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

AKSHAY RAY @ AKSHAY KUMAR SON OF JIVENDRA RAY
VILLAGE- JAPTELI, P.S.- PARWATTA, DISTT.- BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KRANTI KUMARI D/O- NARAD RAY VILLAGE- JAPTELI, P.S.-
PARWATTA, DISTT.- BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sudhir Kumar Mishra, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 354, 342, 323, 504, 506 and 34 of the Indian Penal Code and Section 12 of the POCSO Act.

3. As per prosecution case, on 19.09.2022 at about 5 PM, while the informant had gone to attend the call of nature, this petitioner caught her forcibly, took her to a field and committed rape.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. As a matter of fact, the victim has not alleged any sexual assault in the F.I.R., however, later on, in her statement recorded under Section 164 of the Cr.P.C., she developed the prosecution case and alleged sexual assault against this petitioner. Police after investigation submitted final form in favour of this petitioner, however, differing with the same, the learned trial court has taken cognizance. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that he, along with other accused persons named in the F.I.R., committed rape. The victim in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that this petitioner took her in field, pushed her on the ground, torn her clothes and committed rape.

6. Considering the aforesaid facts and circumstances, nature of accusation and statement of the victim recorded under Section 164 of the Cr.P.C., the prayer for grant of anticipatory



bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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