

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59858 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- AANDAR District- Siwan

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AJAY KUSHWAHA S/O RAMADHAR BHAGAT R/O VILLAGE-
KHEDHAYN, PS. AANDAR, DISTT. SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHARDA KUMARI D/O SHYAMANAND BHAGAT R/O VILLAGE-
KHEDHAYN, PS. AANDAR, DIST. SIWAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Kumari Anupam
For the Opposite Party/s : Mr.Harendra Prasad
Mr.Ajay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-07-2024 Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for offence under Sections 376, 406, 420, 323, 324,
425, 504 & 506 of the Indian Penal Code.

3. As per prosecution case, on 12.06.2022, while the
informant was alone at her house, this petitioner entered in her
house and forcibly committed rape with her.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case due to village politics. F.I.R. has been lodged after a delay
of six months without any plausible explanation of delay. The



victim is major and there is no eye-witness to the alleged occurrence.

5. However, learned A.P.P. for the State and learned counsel for opposite party no. 2 vehemently opposed the prayer for anticipatory bail and submitted that there is specific and direct allegation against this petitioner of committing rape. In different paragraphs of case diary, the witnesses have supported the allegation made in the F.I.R. The victim (informant), in her restatement, has supported the allegation.

6. Considering the nature of accusation, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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