

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64847 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- BARACHATTI District- Gaya

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Ajay Yadav @ Ajay Kumar Son of Ashok Yadav R/O Village- Babhandev
Tola, Spalo P.S -Barachatti ,Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 376 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 23.02.2024 at 6:30 PM she had gone to attend the
call of nature when the petitioner who was present at the place
of occurrence from before raped.

4. Learned counsel for the petitioner submits that the
date of occurrence is 23.02.2024 and the F.I.R. came to be
instituted on 25.02.2024 i.e. after a delay of two days. It is next
submitted that from perusal of the F.I.R. it would manifest that
the informant alleges that when the occurrence took place, the
F.I.R. was not instituted as she had informed her husband who



came after two days and thereafter, the instant F.I.R. came to be instituted. Learned counsel submits that it has been specifically pleaded at para-12 of the anticipatory bail application that the petitioner and the informant were in love. It is next submitted that since the husband of the informant was not staying at home, as such, the petitioner and the informant had come close to each other and on the date of occurrence, they were together, when family members of her husband saw them, as such, the instant false case is to be instituted. It is further submitted that from perusal of the injury report (annexure-2) it would manifest that the doctors have recorded that though there is no recent sign of sexual intercourse rape cannot be denied. Learned counsel next submits that it absolutely does not time to reason that when no recent sign of sexual intercourse is recorded then on what basis it has been recorded in the injury report that rape cannot be denied. It is also submitted that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he was not involved in the occurrence of the rape.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P.S. Case No. 126 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation for he is not presenting itself as and when required, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

8. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall loose its sympathy.

9. Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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