

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72290 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- JHAJHA District- Jamui

Umesh Yadav S/o Sitaram Yadav R/o Village- Dhapri, P.S.- Jhajha, District-
Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shivdhari Yadav S/o Late Khagan Yadav R/o Dhapri, Chhapra, P.S.- Jhajha,
District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan Singh, Adv
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Pramod Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the FIR, the allegation against the petitioner is that he committed rape upon the handicapped daughter of the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioner. There is no eye witness to the alleged occurrence. It is further submitted that the occurrence



took place on 03.05.2024 but the FIR has been lodged on 05.06.2024 i.e. after a delay of one month, which creates a doubt over the credibility of the prosecution case. It is further submitted that the medical report of the victim has not supported the prosecution case. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the medical report of the victim has not supported the prosecution case, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Jhajha P.S. Case No.227 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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