

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5648 of 2023**

Arising Out of PS. Case No.-78 Year-2023 Thana- NAUHATTA District- Rohtas

AKHILESH YADAVA @ AKHILISH YADAV SON OF KRISHNA YADAV  
RESIDENT OF VILLAGE- TIARA KHURD, PS- CHUTIYA, DIST- ROHTAS AT SASARAM

... .. Appellant/s

Versus

1. The State of Bihar
2. RANI KUMARI DAUGHTER OF MUSAFIR RAM RESIDENT OF VILLAGE- TIARA KHURD, PS- CHUTIYA, DIST- ROHTAS AT SASARAM

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Deovind Kumar Singh  
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      26-07-2024                      Heard learned counsel for the appellant and learned Special P.P for the State.

2. The appellant has challenged the order dated 7.10.2023 passed by learned Additional District and Sessions Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Nawahata (Nauhatta) P.S. Case No. 78 of 2023 instituted for the offences punishable under Sections 343, 323, 376, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act and Section 66(E) and 67 of the I.T. Act, whereby his prayer for being released on bail has been rejected.



3. It is alleged by the informant that on 07.05.2023, while she was returning to her village then in the way, Akhilesh Yadav, who was his co-villager came on motorcycle and offered her lift. She accepted his offer and sat on the motorcycle, who, instead of taking the motorcycle towards the village, went to the forest area and committed rape with the informant. She further alleged that at the same time, three persons including the appellant clip an objection video of of the commission of rape and later on co-accused Upendra Yadav made the video viral on social media.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has falsely been implicated in this case. The informant and copetitioner Akhilesh Yadav were in love with each other and when he denied to marry with the informant, this false case has been registered against him. Admittedly, the appellant has not committed any wrong with the informant nor he has made the video of the informant viral on the social media. There is also no eye witness to the occurrence and for the alleged occurrence of 07.05.2023, the F.I.R was registered on 27.05.2023. Victim



girl is major of about 20 years and in para 22 of the case diary, it is mentioned that she denied her medical examination. IN statement of 164 Cr.P.c. she has stated that she was in love with the petitioner and she used to talk with him. Allegedly, appellant dropped the victim girl after the commission of rape at Nauhatta Bus Stand but surprisingly, she has not raised alarm. The appellant is in custody since 28.5.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

*In contra*, learned Special P.P appearing on behalf of the State and learned counsel for the informant have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 07.10.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Nawahata (Nauhatta) P.S.



Case No. 78 of 2023.

(Sunil Kumar Panwar, J)

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