

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7448 of 2025

Arising Out of PS. Case No.-114 Year-2024 Thana- MAHILA PS District- Darbhanga

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MOHAN YADAV @ MOHANJEE PRASAD YADAV S/O RAMKRIPAL
YADAV R/O VILL.- ITHARWA P.S.- BAHERA DISTT.- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi W/O Gauri Shankar Yadav R/O VILL.- VISHWANATHPUR,
FARDAHA, P.S.- BAHERA, DISTT.- DARBHANGA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 64, 351(2),
3(5) of B.N.S. and 4/6 of POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her daughter aged about 17 years on 18.09.2024 at
around 12 o'clock in the day light had gone to the shop of the
petitioner for purchasing soap and cream. It is next alleged that
petitioner enticed the victim and called her inside the shop for



seeing other goods and thereafter closed the shutter of the shop and committed rape. This occurrence came to the knowledge of some people and they got the shutter opened and thereafter saw the victim lying on the ground naked, thereafter the petitioner was apprehended and the informant was informed, accordingly, the informant reached the place of occurrence and thereafter the victim accompanied her. It is next alleged that thereafter a Mahapanchayat was convened in which father and elder brother of the petitioner participated but they did not agree to the decision of the Panchayat.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that it absolutely does not stand to reason that as to why the petitioner in his shop in broad day light would have closed the shutter and thereafter committed rape. It is next submitted that had the petitioner committed rape of the victim in that event the informant would have rushed to the concerned police station but then that was not done. It is also submitted that the FIR has been instituted after a delay of nine days but then it is submitted that at times the family members takes time in deciding as to whether to institute an FIR or not as it brings disgrace to the family as the



occurrence comes in public view but then it is submitted that in the instant case panchayati was convened which amply demonstrates that the informant and her family members were not having any fear of public disgrace as such they could have instantly approached the police. It is also submitted that the medical report does not corroborate rape. It is further submitted that the parents of the victim had come with a marriage proposal but then the petitioner refused the same, as such the present false case came to be instituted. It is also submitted that no doubt the informant has supported the case of the prosecution in her statement recorded under section 164 Cr.P.C. but then the statement will have to withstand the scrutiny in criminal trial. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant instead of rushing to the police station immediately after the occurrence got a panchayati convened and that the medical report also does not corroborate rape.



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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty 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 Mahila P.S. Case No.114/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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