

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10549 of 2025

Arising Out of PS. Case No.-795 Year-2022 Thana- BANKA District- Banka

-
1. Durgesh Kumar @ Durdo Yadav @ Durdesh Yadav S/o Bhuto Yadav Resident of Village- Chilkawar, PS- Rajoun, District- Banka
 2. Chhotu Yadav @ Chhotu Kumar Yadav S/o Jageshwar Yadav Resident of Village- Laskari, P.S.- Banka, District- Banka
 3. Philips Kumar @ Philish Kumar S/o Uday Yadav Resident of Village- Sikanpur, Nayadih, P.S.- Rajoun, District- Banka
 4. Jaykant Yadav S/o Chansi Yadav R/o Village- Eksindha, P.O.- Samukhiya More, P.S.- Banka, District- Banka
 5. Pawan Kumar Yadav @ Pawan Yadav S/o Manmohan Yadav Resident of Village- Kurawa, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Devi W/o Ranjit Yadav Resident of Village- Kakana, P.O.- Samukhiya More, P.S.- Banka, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
		Mr. Kamlesh Kumar Pathak, Advocate
		Mr. Arvind Kumar, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-03-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Banka P.S. Case no. 795 of 2022 registered under sections 376, 366 and 34 of the Indian Penal Code.



3. As per the prosecution case, it is stated that petitioner nos.1 to 4 kidnapped the informant, fed her intoxicated substances and thereafter committed rape on her. It is further stated that one of the accused ie the petitioner no. 3 took her to Delhi where she was kept in the house of petitioner no. 5.

4. Learned counsel for the petitioners submits that the parties are distantly related and the petitioners have been falsely implicated in the case for oblique reasons. It is submitted that there is an inordinate delay of 25 days in lodging of the complaint which subsequently led to registration of the F.I.R. The allegations are false and frivolous and even the victim has not been medically examined. The petitioners have no criminal antecedent and undertake to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R, there being allegation of rape having been committed by them on the informant/opposite party no. 2, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.



7. The petitioners are directed to surrender in the
learned Court below within a period of four weeks.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

