

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61073 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- MAHILA PS District- Darbhanga

Akhilesh Kumar @ Akhilesh Son of Ganesh Sahni Village- Shisho West, P.S.-
Mabbi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganita Devi Wife of Naresh Yadav Village- Shisho West, P.S.- Mabbi,
District- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-01-2025 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No.51/2024, registered for the offences
punishable under Sections 376, 34 of the Indian Penal Code &
Sections 4 & 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 04.06.2024 at 11.00 P.M. Shidharth Kumar along
with petitioner lured her minor daughter and took her in the
field of Anil Thakur, where Shidharth Kumar raped her from
12.00 A.M. till 3.00 P.M., while petitioner was guarding,



thereafter, both the accused left her daughter near her house when the victim came back and disclosed about the occurrence.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being a co-villager and friend of Shidharth. It is further submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that petitioner is not alleged to have committed rape upon the victim rather allegation is that he was also present at the place of occurrence.

5. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad opposes the prayer for anticipatory bail of the petitioner and submits that victim was a minor and her statement was recorded under section 164 of the Cr.P.C., wherein she has supported the prosecution case and has stated that she was raped by Shidharth, while the petitioner was present at the place of occurrence. It is also submitted that investigation in the case is still continuing, as such, if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond or tamper with the evidence.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.



7. The anticipatory bail application of the petitioner is
rejected.

(Satyavrat Verma, J)

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