

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67255 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- ADHAOURA District- Kaimur (Bhabua)

Savdhan Kumar, Son of Ram Chandra Yadav village- Bhuifor, Ps- Adhaura,
Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Informant/s : Ms. Kiran Kumari Sharma, Advocate
For the State : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 10-01-2025 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Adhaura P.S. Case No. 25 of 2024 dated 16.04.2024 registered for the offences punishable under Sections 376, 420, 506/34 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has fair and clean antecedent and is a young person, in fact, the informant's family wanted to marry the informant with this petitioner by force which was not acceptable to the petitioner and out of fear, the petitioner filed a complaint case no. 275 of 2024 against the family members of the informant alleging his apprehension of



being forced into marriage by the victim's family with the so-called victim and in this regard, complaint's copy filed with this petition may be perused and after filing the said complaint, the F.I.R. of the instant matter was registered. It is further submitted that as per the allegations, the alleged occurrence of sexual assault took place on 07.04.2024 and it has been mentioned by the so-called victim herself in the typed F.I.R. that she immediately went to the police station but filed the F.I.R. on 16.04.2024 without giving any plausible explanation regarding the inordinate delay. Learned counsel further submits that the allegation of sexual assault does not get corroboration from the victim's medical examination report and there is serious contradiction in between the allegations levelled in the F.I.R. and so-called victim's statement recorded u/s 161 and 164 of the Cr.P.C., particularly with regard to the allegation of rape by the co-accused Rakesh Kumar.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that there is serious allegation against the petitioner and the said complaint filed by the petitioner before the concerned Court is antedated. Learned APP for the State has also opposed the bail prayer.



5. Considering the above submissions advanced by the petitioner's counsel and mainly taking into account the inordinate delay in lodging the F.I.R. despite the victim having reached the police station immediately as per her submission and the F.I.R. is based on the typed application which is said to have been filed by the victim herself and also taking into account the contradiction with regard to the sexual assault allegedly committed by the co-accused Rakesh Kumar as pointed out by the petitioner's counsel and also, no corroboration from the medical examination report of the victim with regard to the alleged sexual assault coupled with the fact that the F.I.R. was registered after filing of the complaint by the petitioner against the victim's family showing his apprehension of forceful marriage by the victim's family with the victim, in my opinion, in the said circumstances, the petitioner who has fair and clean antecedent, deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Adhaura P.S. Case No. 25 of 2024 on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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