

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72781 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MAHILA PS District- Gaya

Uday Kumar @ Uday Yadav S/o Badho Yadav, Resident of Village -
Lemboya, PS - Roushanganj, District - Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Simpy Kumari @ Kail Kumari D/o Nagendra Yadav Resident of Village -
Lemboya, P s - Roushanganj, District - Gaya

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Md. Javed Jafar Khan, Advocate
For the Informant	:	Ms. Priya Ranjan, Advocate
		Mr. Bidhib Rajkar, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Md. Javed Jafar Khan, the learned

counsel for the petitioner, Ms. Priya Ranjan, the learned counsel

for the informant and Mr. Sanjay Kumar Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Mahila PS Case No. 38 of 2024, FIR dated

21.07.2024, registered for the offences punishable under

Sections 115(2), 126(2), 352, 351(2), 64 and 3(5) of the

Bhartiya Nyaya Sanhita, 2023 and under Section 4 and 6 of

POCSO Act.

3. According to the prosecution case, the petitioner



misbehaved with the informant and when her family members came, petitioner threatened them with dire consequences. It is further alleged that earlier when the informant was alone in her house, the accused entered in her house and forcibly established physical relationship with her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is on 16.07.2024, but the present FIR is instituted on 21.07.2024, after a delay of about six days without giving any explanation for the said delay and no such occurrence has taken place.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has firmly stated that petitioner has committed rape upon her, apart from that, the medical



examination of the victim was conducted on 21.07.2024 and the medical report suggests that rape cannot be denied.

6. Considering the aforesaid facts and circumstances, the nature of allegation levelled in the FIR, the statement of victim recorded under Section 164 of the Cr.P.C. as well as the medical report of the victim, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner in connection with Mahila PS Case No. 38 of 2024, pending in the Court of learned Additional Sessions Judge-VI-cum-Special Judge of POCSO Act, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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