

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78449 of 2024**

Arising Out of PS. Case No.-16 Year-2024 Thana- MAHILA PS District- Gaya

=====

Anant Kumar @ Aand Kumar @Aanad Kumar S/O Suvesh Ravidas @  
Suvesh Das R/O Village- Shakti Bigha, P.S- Alipur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asmita Kumari D/o Late Mohan Das Village- Shakti Bigha, P.S.- Alipur,  
Distt.- Gaya.

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Vinod Kumar, Advocate  
For the Opposite Party/s : Mr.Harendra Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      17-04-2025                      Heard   Mr.Vinod Kumar,   learned counsel for the  
  
petitioner, learned counsel for the informant and   Mr.Harendra  
Prasad,   learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in  
connection with Mahila P.S.Case No.16/24, FIR dated  
13.04.2024, registered for the offences punishable under  
Sections 366,376,504,506,34 of IPC and Section 4/6 of POCSO  
Act.

3. Prosecution story through informant/victim is that  
on 08.03.2024 at about 5.00 AM informant was alone at her  
house and entire family members had gone to harvest wheat.  
Meantime all the accused persons forcibly entered in the house



of informant and gagged her. She has further alleged that on a motorcycle of Anant Kumar, Usha Devi and Suvesh Das took her forcibly in Kali Mandir and solemnized her marriage with accused Anand Kumar at Kali Mandir Bela. Thereafter, for two days accused Anand Kumar committed rape on informant and then all accused persons forcibly kicked out her.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. It appears from the FIR itself that the date of occurrence as alleged in the FIR is 08.03.2024 but the present FIR has been instituted on 13.04.2024 after delay of about 35 days without giving any explanation of delay and apart from that, the victim girl was major.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the date of birth of the victim as recorded in the date of birth certificate is 22.08.2009 which



suggests that on the date of occurrence, the victim was minor and apart from that, the statement of the victim was recorded under Section 164 Cr.P.C./Section 183 of BNSS, 2023 in which she has categorically stated that the petitioner has committed rape upon her and the medical report of the victim also supports the allegation as alleged in the FIR which are as follows: “(1) *There is evidence of recent sexual activity but Rape cannot be denied.* (2) *Age above (19) nineteen years.*”

6. Considering the aforesaid facts and nature of allegation against the petitioner as alleged in the FIR, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Mahila P.S.Case No.16/24, pending in the court of learned Special Judge, POCSO-cum-A.D.J-VI, Gaya.

7. Prayer is refused.

**(Rajesh Kumar Verma, J)**

Nitesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

