

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82632 of 2024

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

Rakesh Kumar S/o- Ganpat Yadav @ Ganpat Singh Resident of village- Sari,
P.S. Adhaura, District- 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 Opposite Party/s	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-01-2025 Heard Mr. Rajani Kant Pandey, learned counsel for
the petitioner, Ms. Kiran Kumari Sharma, learned counsel for
the informant and Ms. Pushpa Sinha, learned APP for the State.

2. Petitioner seeks regular bail 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 there is no role of the
petitioner in the alleged occurrence and on account of the
petitioner being the relative of the co-accused, Savdhan Kumar,
with whom, the informant had love affair and the informant's
family wanted to marry the informant with co-accused, Savdhan



Kumar, by force but the co-accused denied for the same, he along with the co-accused has been made accused in this case. 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 victim herself in the typed F.I.R. that she immediately went to the police station but she filed the F.I.R. on 16.04.2024 without giving any plausible explanation regarding the said 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 victim's statement recorded under Sections 161 and 164 of the Cr.P.C. Learned counsel further submits that the petitioner has been languishing in jail since 23.09.2024 having fair and clean antecedent.

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 with regard to the sexual assault with the victim. 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 at 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 non-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 co-accused, Savdhan Kumar, against the victim's family, in my opinion, in the said circumstances, the petitioner deserves to the privilege of regular bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Adhaura P.S. Case No. 25 of 2024.

(Shailendra Singh, J)

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