

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16407 of 2026

Arising Out of PS. Case No.-67 Year-2020 Thana- MAHILA P.S. District- Samastipur

Srikant Rai @ Srikant Kumar S/O Laulin Rai @ Ramlolin Ray @ Laulin Roy
Resident of village- Simri Alampur, Police Station- Vidyapatnagar, District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. XXX D/O Ram Kumar Sah Resident of village- Simri, Police Station-
Vidyapatnagar, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-06-2026 Heard Mr. Pramod Kumar Singh, learned Advocate

for the petitioner and the learned APP for the State. The

informant is represented through learned Advocate Mr. Amit

Kumar.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 67 of 2020, registered for the
offence punishable under Sections 120(B), 147, 148, 149,, 364,
376(DA) & 511 of the I.P.C. and Sections 10, 12, 14, 16, 18, 4,
6 & 8 of the POCSO Act.

3. Based upon the complaint, the present FIR came to
be instituted with an allegation that on 19.05.2020 all the
accused persons named in F.I.R, including the petitioner, came



to the house of the informant with various arms and brutally assaulted, misbehaved and outraged the modesty and tried to commit rape on her. It is also alleged that prior to the said incident on 10.04.2020 the accused persons have committed rape upon the younger sister of the informant. While the informant was going to hospital for medical examination, the accused persons also forcibly confined her and did not allow for medical check up in order to destroy the evidence.

4. Learned Advocate for the petitioner submitted that since there is a long standing dispute between the parties, the present FIR came to be instituted maliciously. The alleged occurrence is said to have taken place on 19.05.2020, however, the complaint case was lodged on 18.06.2020 in the POCSO Court from where it has been sent to the concerned police station. Earlier on 13.04.2021 a complaint was also filed by younger sister of the informant alleging that on account of dispute of grazing of her goat on 10.04.2020, she was beaten by the co-accused persons. This was the reason for filing of false complaint case by implicating the name of all the persons with whom she had animosity. There is no medical report to corroborate the allegation and all the more, the statement of the victim was recorded under Section 164 of the Cr.P.C., where she



has not even taken the name of the petitioner as a culprit. It is lastly contended that some of the co-accused persons facing identical allegation have been allowed the privilege of regular bail in Criminal Miscellaneous No. 39563 of 2021 by the order dated 04.08.2022.

5. On the other hand, learned Advocate for the State and the informant vehemently opposes the bail application and submits that the FIR was instituted long back in the year 2020 and the petitioner has been evading his arrest irrespective of the fact that he is named accused. Since the petitioner was absconding his arrest, on 03.02.2026 process under Section 82 of the Cr.P.C. has also been issued is the contention of the learned Advocate for the informant. It is lastly contended that, be that as it may, other accused persons have been allowed the privilege of a regular bail. Hence, the petitioner should also approach before Jurisdictional Court for grant of regular bail.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the petitioner remains absconded since the institution of the FIR in the year 2020 and he has approached this Court for grant of anticipatory bail by filing the present application on 28.02.2026 besides the fact that process under



Section 82 of the Cr.P.C. has already been issued and the other accused persons have been accorded the privilege of regular bail, this Court is not acceded to the prayer for anticipatory bail of the petitioner.

7. However, if the petitioner surrenders before the Jurisdictional Court within a period of four weeks from today, his prayer for bail shall be considered without being prejudice by the order of this Court and taking note of the statement of the victim recorded under Section 164 of the Cr.P.C. as well as the delay in lodging of the complaint/FIR and he is carrying fair antecedent.

8. With the aforesaid observation the present application stands dismissed.

(Harish Kumar, J)

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