

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35859 of 2026

Arising Out of PS. Case No.-469 Year-2015 Thana- SUGAULI District- East Champaran

Rakesh Patel @ Rakesh Kumar S/o Beer Bahadur Patel Resident of Village -
Raushanpur Sapaha, P.s. - Sugali, District - East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX Wife of YY R/o Village - Raushanpur Sapaha, P.S. - Sugauli, Dist. - East Champaran(Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 27-05-2026 Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sugauli P.S. Case No. 469 of 2015, for allegedly having committed offence under Sections 341, 323, 324, 307, 376D, 363 and 34 of the Indian Penal Code read with Section 6 of the POCSO Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that on 11.12.2025 at about 12:00 o'clock in the afternoon, her minor daughter went for school but did not return till late evening. On inquiry, she got information from the



villagers that her minor daughter was seen at Semra, then she along with some villagers reached there. Upon being asked, the minor daughter of the informant told her that the petitioner, including two other co-accused persons had kidnapped her, by giving biscuit and after eating the same, she became unconscious. It was further alleged that when she regained consciousness, she found that her clothes are not on her body and the petitioner along with other co-accused have committed rape with her. When the informant went to the house of the accused persons to inquire about the incident, she was physically assaulted, due to which she sustained injuries.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He further submits that the occurrence is of 11.12.2015, but the first information report was lodged on 13.12.2015, however no explanation whatsoever has been given for the delay of two days. He further submits that since the petitioner resides in the same locality and only to settle previous dispute, the name of the petitioner has been taken in the instant case. He submits that the daughter of the informant remained in the sugarcane field for two days, however she did not raise any alarm, so that any passer-by can hear her sound. He further



submits that the petitioner is a young student and preparing for various competitive examinations. The petitioner had got no knowledge with regard to the institution of the present case and he came to know about his implication only in the month of January 2026, through the local *chaukidar*. Immediately thereafter, the petitioner made enquiry about the matter and obtained information with regard to the present case and filed the anticipatory bail before the District Court, which was rejected.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the First Information Report was lodged in 2015 and the allegations leveled against the petitioner are heinous, therefore, he does not deserve the privilege of anticipatory bail in the present case.

6. Having heard the rival submissions and after going through the records, it appears that the First Information Report was lodged in 2015. As per the statement made by the petitioner in paragraph no. 13 of the present petition it appears that he came to know about the pendency of the present case only in the month of January 2026. However, from the records available on the website of the Hon'ble Patna High Court, it appears that the



petitioner along with other five accused persons had earlier filed Criminal Writ Petition bearing Cr.W.J.C. No. 1126 of 2016, which was disposed of as being infructuous, vide order dated 23.08.2018 passed by a learned Coordinate Bench of this Court, since charge-sheet was submitted against the petitioner and others. It appears that the petitioner has not approached this Hon'ble Court with a clean hand and further, the matter is of 2015 and the petitioner remained an absconder for all these eleven years. Therefore, this Court is of the opinion that the petitioner does not deserve the privilege of anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected.

(Ritesh Kumar, J)

Ajay/Mridula/-

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