

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72097 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- ANDHRAMATH District- Madhubani

Radhe Shyam Singh S/O Late Juthai Singh R/O Village- Mirzapur, P.S -Parsa,
District - Saran At Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX D/O Ram Sewak Ram R/O Village- Nebua, P.S- Anathra Math,
Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Parmod Ban Bihari Singh, Advocate
For the Opposite Party/s :	Mr. Chandrabhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-04-2026 Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel appearing on behalf of the
informant.

2. Petitioner apprehends his arrest in a case registered for
the offence punishable under Section 376 (D) (A) of the Indian
Penal Code and Section 4, 6 of POCSO Act.

3. Learned counsel appearing on behalf of the petitioner
submits that petitioner had antecedent of three cases but then in all
the cases, police after after investigation submitted final form
exonerating the petitioner of the allegation, it is next submitted that
all the three cases were instituted by different informant at the
behest of his brother, it is next submitted that instant case also has
been instituted by the informant at the behest of his brother with an



allegation that accused person including the petitioner entered her house on 29.02.2024 at 1 a.m. and raped her in turn, further petitioner is an L.I.C. Agent, it is next submitted that petitioner has been falsely implicated in the instant case, it is next submitted that it absolutely does not stand to reason that as to why the petitioner would have gone to the house of the informant for committing occurrence of rape when he is known to her, it is next submitted that the medical report also does not corroborate rape, it is further submitted that police after threadbare investigation came to a considered conclusion that the petitioner is innocent and thus submitted final form exonerating the petitioner of the allegation as alleged in the F.I.R. but then the learned trial Court in a mechanical manner took cognizance differing with the police report. It is further submitted that when one investigating agency after threadbare investigation came to a considered conclusion that the petitioner is innocent whether it would be prudent for the Court to send the petitioner to jail based an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then is not in a position to rebut the said submission of learned counsel appearing on behalf of



the petitioner. Learned counsel appearing on behalf of the informant also opposes the anticipatory bail application of the petitioner but then is not in a position to rebut the submission of the learned counsel for the petitioner that in all the 3 cases instituted against the petitioner, final form was submitted and in the instant case, police after investigation submitted final form exonerating the petitioner of the allegation.

5. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

6. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.5,000/-(Rupees five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 7 cum-Special Judge, POCSO, Madhubani, in connection with Andhraghat P.S. Case No. 46 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Satyavrat Verma, J)

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