

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16845 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -RAJAULI District-
NAWADA

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Babloo Kumar Son of Ganesh Yadav Resident of village - Simarkol, P.S.
Rajauli, District - Nawada

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hansraj, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 02-07-2015 Heard both sides.

The petitioner apprehends his arrest in Rajauli P.S.
Case No. 163 of 2014, registered for the offences punishable
under Sections 366, 376/34 of the Indian Penal Code.

The prosecutrix alleged that Dashrath Kumar called
her and forcibly got her seated on his motorcycle. One boy was
also with him. They committed rape with her. Thereafter, the
accused dropped her at Sirdalla Chowk and fled away.

It is submitted that the petitioner is not named in the
FIR.

From perusal of the FIR it would appear that
immediately thereafter Dashrath was apprehended. Dashrath

disclosed the name of the petitioner, as he was apprehended in presence of the informant. Dashrath alleged to have confessed and disclosed the name of the petitioner, but besides the confession of Dashrath, the witnesses namely Sadhu Yadav, Ravi Rajvanshi and Sunil Yadav disclosed that the petitioner and Dashrath were fleeing away but Dashrath was apprehended and the petitioner managed to flee away. The victim made very specific allegation of rape against the petitioner.

Hence, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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