

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3998 of 2015

Arising Out of PS.Case No. -137 Year- 2014 Thana -MASRAKH District- SARAN

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Nitesh Singh @ Nitesh Kumar Singh, Son of Hari Madhav Singh, Resident
of Village – Harpur Jan, P.S. – Mashrakh, District – Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate.

For the Opposite Party/s : Mr. Sunil Kr. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 29-01-2015

Heard both sides.

The petitioner apprehends his arrest in Mashrakh P.S.
Case No. 137 of 2014, registered for the offences punishable
under Section 450 and 376(D) of the Indian Penal Code.

The victim made allegation that while she was
sleeping the petitioner along with other accused persons came and
raped her one by one after taking her in a field.

Learned counsel for the petitioner submits that the
victim did not name the petitioner in her statement made under
Section 164 of the Cr.P.C. It is further submitted that one day prior
to lodging of this case Chanda Devi the mother of the victim
lodged a Complaint Case No. 2131 of 2014, making allegation
that Dhiraj Tiwary and others made an attempt to rape with her.
The doctor also did not find any injury on the person of the victim.

The petitioner is a student and he has got no criminal antecedent.

On perusal of record, it appears that the victim in her fardbeyan made very specific allegation that the petitioner along with three named and one unknown came and forcibly took her in a lonely place and thereafter they committed rape with her one by one.

Considering the facts aforesaid and nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit on the same day without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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