

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23004 of 2015

Arising Out of PS.Case No. -154 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Indrajeet Rai. Son of Chandeshwar Rai. Resident of village - Hilalpur,
P.S.- Industrial Area, Hajipur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioner and
learned A.P.P.

On the false pretext Vikky, Ravi Kumar, Rahul Kumar, Dharmendra Kumar, Ajay Kumar, Teka Kumar and Chandan Kumar took away Punam Kumari on 11.06.014. On 14.06.2014 when informant had gone to bring his daughter Poonam Kumari, it has been disclosed that his Sarhu, daughter of his sarhu, son-in-law of sarhu along with Rajendra and Indrajeet Rai become enraged to the extent killing him and further, Indrajeet Rai has disclosed that they are doing the activity with Poonam Kumari as they desire. Annexure-2 is the statement of victim recorded under Section 164 Cr.P.C., wherein she has categorically stated regarding her confinement as well as having been raped by Dharmendra and Indrajeet Rai during the intervening period. Girl was medically examined and report is Annexure-3 dated 16.06.2014, wherein she has been

identified in between 17-19 years approximately and further the Doctor was not in a position to give definite opinion regarding commission of rape, though hymen was found old ruptured.

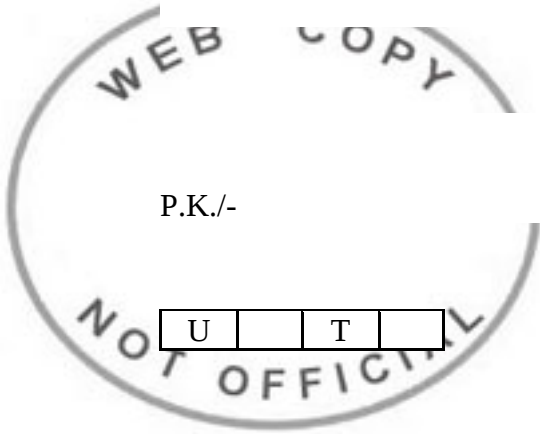
Learned counsel for the petitioner submits that from the order impugned it is apparent that prosecution is playing game of Rat and Cat. While the prosecution stick over its allegation so far as the petitioner is concerned, but has compromised the case with other co-accused and for that, informant as well as the victim had disclosed by way of filing a petition that on account pressure put by the police she had named those persons. In the aforesaid background, statement of victim has become unsusceptible and being so, petitioner is entitled for an anticipatory bail.

On the other hand, learned A.P.P. opposes the prayer for anticipatory bail.

So many petitions are being filed before the learned court below during course of investigation at the instance of parties either having the case compromised or on account of pressure but the fact remains that during course of investigation those petitions have got no relevance nor any adverse impact over prospect of the case. So far complicity of the petitioner is concerned that has specifically been stated by the victim herself to be one of rapist and on account thereof, I am not convinced with the submissions made on

behalf of the petitioner regarding conduct of the victim.

Prayer for anticipatory bail is rejected.



(Aditya Kumar Trivedi, J)