

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14205 of 2015

Arising Out of PS.Case No. -358 Year- 2014 Thana -BASANTPUR District- SIWAN

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1. SURESH PRASAD @ SURESH KUMAR KUSHWAHA Son of Late Jagannath Prasad Resident of Village- Panditpur, Ps Janta Bazar, District- Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 06.04.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

There is allegation of rape against the petitioner but submission on behalf of the petitioner is that informant was consenting party and she was major at the time of alleged occurrence. It is further contended by him that moreover, informant has already entered into compromise and, as a matter of fact, this false case has been lodged on account of business rivalry.

From perusal of statement of the victim recorded under section 164 Cr.P.C, it would appear that she, specifically, stated that she was raped by the petitioner.

Therefore, considering the facts and circumstances, in my view, it is not a fit case for grant of anticipatory bail and accordingly, his prayer for anticipatory bail in connection with Basantpur P.S. Case

no. 358/2014 pending in the court of the Special court under POSCO
Act, Siwan stands rejected.

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(Hemant Kumar Srivastava,J)



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