

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25027 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -PIPRA District- PATNA

Lakhi Kumar, Son of Raju Kewat, Resident of Village- Puraniya, P.S.-
Pipra, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dharendra Kumar Gupta, Advocatet

For the Opposite Party : Mr. Binod Kr-3(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-08-2016

Heard both the sides.

The petitioner apprehends his arrest in Pipra P.S.
Case No. 21 of 2016 registered for the offences punishable under
Section 376 of the Indian Penal Code and Sections 4/6 of the
POCSO Act.

The victim alleged that Seema Kumari called her in
her house to help her in lifting jute bag. When the informant
entered into the house of Seema Kumari, her villager Lakhi Kumar
was present there from before. Seema Kumari locked her inside
the room and fled away. Lakhi Kumar committed rape with her.
Then she raised alarm and thereafter Chunnu Kumar, brother of
Seema Kumari, came and opened the door.

Learned counsel for the petitioner submits that the

entire story is false and concocted. The petitioner is the neighbour of the victim and there is land dispute between the father of the victim and the father of the petitioner. Many persons have sworn affidavits and a petition is filed before the superior police officer stating that no occurrence as alleged has ever taken place, but from perusal of the case diary, it appears that besides the victim, other witnesses have also supported the factum of rape. The victim, in her statement under Section 164 of the Cr.P.C., reiterated the same fact. The victim appears to be a minor.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Pipra P.S.Case No. 21 of 2016. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J.)

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