

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9858 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -KADWA District- KATI HAR

Kailash Ray @ Kailash Rai, son of Bipin Rai, Resident of Village-
Dhangama, Police Station- Kadwa, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad, Advocate.

For the Opposite Party/s : Mr. Binod Kumar No. 3 (APP)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 22-04-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kadwa P.S. Case No. 88 of 2015 registered under Sections
366A, 376, 120N, 323, 504 and 506 of the Indian Penal Code.

The accusation is that informant, who was minor, was
returning with her parents to her house. In the way, petitioner and
one Shankar Kumar Rai, who were on motorcycle, kidnapped the
informant and thereafter co-accused, Shankar Kumar Rai,
committed rape on her about nine days in presence of the
petitioner.

Learned counsel for the petitioner submits that it
would appear from the F.I.R. that the specific allegation of rape at

informant is against Shankar Kumar Rai and this petitioner was only with association of co-accused, Shankar Kumar Rai in the kidnapping of informant. It is further submitted that while in the F.I.R. the age of the victim/informant has detailed as 14 years but in the medical examination her age has been assessed about 22 years.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within six weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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