

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54947 of 2015

Arising Out of PS.Case No. -212 Year- 2014 Thana -BARH District- PATNA

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Diwakar Kumar @ Diwakar Prasad Singh Son of late Shailendra Prasad Singh Resident of Mohalla-Dayachak ,Ward No. 10 , P.s Barh, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma

For the Opposite Party : Mr. N.K.Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-01-2016 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Barh P.S. Case No. 212 of 2014 pending in the court of ACJM, Barh for the offences instituted under Sections 328, 302 and 376G/34 of the Indian Penal Code.

As per prosecution case, it is a case of gang rape upon the informant's daughter, namely, Puja Devi, who is aged about 19 years and thereafter murder by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner is a government teacher. He has been made accused due to mistake of fact. There is no specific allegation made against him. Merely on

the basis of suspicion, he has been named in the FIR by the informant. It is further submitted that the informant in course of trial has denied the allegations made in the FIR along with other accused persons.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and as per the allegation, the victim is said to have been raped and thereafter done to death. Petitioner is absconding his appearance in the case.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the above named petitioner, the same is rejected.

Anyhow, the court below shall take into consideration the submissions made on behalf of the parties and pass necessary orders without being prejudiced by this order.

(Sudhir Singh, J)

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