

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38803 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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Dr. Vijay Kumar @ Vijay Kumar Yadav, Son of Shri Kedar Chaudhary,
Resident of village - Orma, P.S. Siwan Mufassil, District Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Pd., Advocate.
Mr. Kamala Kant Tiwary, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 23-09-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Siwan Mahila P.S. Case No. 42 of 2016 registered under Section

376 of the Indian Penal Code and Sections 6 and 8 of the POCSO

Act pending in the court of Additional Sessions Judge I, Siwan.

The accusation of informant is that, on 15.06.2016,

she had gone to the clinic of the petitioner, where she was taken

inside the clinic and injected the vaccine. Thereafter, petitioner

tied her hands and legs and committed rape on her, on which, she

raised alarm and went back to her house and narrated the incident

to her mother and sister.

Learned counsel for the petitioner submits that while the victim has stated about committing rape by this petitioner in the F.I.R. and also in her statement recorded under Section 164 of the Cr.P.C. but in the medical examination, neither any external or internal injury nor sign of rape was found.

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, his prayer for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the Court below and prayer for regular bail, which shall 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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