

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12342 of 2016

Arising Out of PS.Case No. -26 Year- 2015 Thana -MAHILA PS District- JEHANABAD

Sanjit Kumar, s/o Late Raj Kishor Thakur, r/v Sabalpur, ps – Rampur
Chauram, Distt – Arwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
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ORAL ORDER

2. 18-03-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner has asked for grant of anticipatory bail
relating to Arwal (Mahila) P.S. Case No. 26/2015 registered under
Section 376 of the Indian Penal Code.

Victim filed a written report on 23.10.2015 alleging
inter alia that on 22.10.2015 at about 5.00 a.m. while she was
sleeping, petitioner intruded inside her house and committed rape.

It has been submitted on behalf of the petitioner who is
an army personnel that this case has falsely been instituted to
malign the character, reputation by his enemies, who is none other
than his own brother against whom he had already complained
(annexure 4) on 11.05.2015 and that happens to be reason behind
that the enemies setting this girl for having this case registered

succeeded in their attempt.

From the medical report, it is evident that girl is a major and further, the circumstances as visualizing from plain reading of the written report indicates that even in worst case, though not admitted, it happens to be a case of consent.

From the medical report, it is apparent that the victim happens to be accustomed to sexual indulgence since before and further, the doctor had not confirmed offence of rape. The occurrence happens to be improbable in the background of the fact that the petitioner, who happens to be uncle of victim, is not expected to indulge in such kind of activity. So submitted that it is a fit case wherein petitioner should be released on anticipatory bail.

Learned Additional Public Prosecutor opposes the prayer.

There happens to be no direct confrontation in between victim and the petitioner, whereupon one could perceive the reason of false implication. Moreover, in Indian Panorama where rape happens to be stigma not only against the family rather ruin the individual status of a victim. Therefore, statement of victim is to be accepted unless grave infirmities are found therein. The other circumstance, as is apparent, no reason to implicate the petitioner,

who is distantly related.

Apart from this, there happens to be specific allegation against the petitioner to have ravished the victim whereupon, I do not see it a fit case for grant of anticipatory bail.

Prayer is rejected.

(Aditya Kumar Trivedi, J)

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