

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43297 of 2015

Arising Out of PS.Case No. -129 Year- 2015 Thana -SARAI RANJAN District- SAMASTIPUR

=====

Ajay Kumar S/O Choudhary Mahto, Resident of village Mustafapur, P.S
Bibhutipur, District Samastipur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 04-01-2016 Learned counsel for the petitioner seeks permission

to delete some portions of para 9 of the bail petition from also

under Section 164 of the Cr.P.C. by the Magistrate.

Prayer is allowed and learned counsel for the
petitioner is permitted to make corrections.

Heard both sides.

The petitioner apprehends his arrest in Sarairanjan
P.S. Case No. 129/2015, registered for the offences punishable
under Sections 376, 363, 379 and 34 of the Indian Penal Code.

The informant filed a complaint case making
allegation that the petitioner and Suryavir Kumar kidnapped her
and committed rape with her after confining her in a room.

Learned counsel for the petitioner submits that the
date of occurrence is 11.04.2015, but the complaint case was filed

on 20.04.2015. The informant made her statement under Section 161 of the Cr.P.C. before the police but did not name the petitioner. The maternal-uncle of the informant also did not name the petitioner since he was present in the hospital where the victim was lying unconscious.

It appears that the victim made very specific allegation against the petitioner and one another that they kidnapped her and committed rape with her. The victim also made statement under Section 164 of the Cr.P.C. disclosing the name of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

Rakhi

U		T	
---	--	---	--